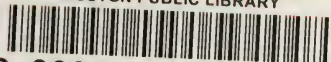


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HEARINGS BEFORE THE NATIONAL  
COMMISSION ON URBAN PROBLEMS

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Denver



Atlanta



Houston

Dallas-Fort Worth-Arlington



Miami

# NATIONAL COMMISSION ON URBAN PROBLEMS

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# HEARINGS BEFORE THE NATIONAL COMMISSION ON URBAN PROBLEMS

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Volume 3

July-August 1967

Denver	■	Atlanta	■	Houston
Dallas-Fort Worth-Arlington			■	Miami

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NATIONAL COMMISSION  
ON URBAN PROBLEMS

Government Printing Office  
February 1968  
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## preface

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The National Commission on Urban Problems was appointed by President Lyndon B. Johnson on January 12, 1967. He charged the Commission with seeking ways to increase the supply of decent housing for low-income families. He urged that the search for a "revolutionary improvement in the quality of the American city" focus on a variety of issues including building codes and technology, zoning and land use, housing codes, Federal, State and local tax policies, and development standards.

Congress in the Housing and Urban Development Act of 1965 authorized a study of these issues and provided funding in 1966. The Commission is to report before December 31, 1968, to the President, to the Congress, and to the Secretary of Housing and Urban Development.

During the first 10 months of its existence, the Commission spent 32 days holding hearings in 18 cities in all sections of the country, and in addition met in business sessions 13 times. The Commission heard from private citizens and experts, as well as from officials. To learn by seeing and hearing as well as by studying, the Commission spent long hours inspecting the slums and blighted areas and also the showcase developments of these cities. This, too, they did with officials, with private citizens, and by themselves.

Such intensive study gave the Commission the flavor of the American scene of the Sixties—the hopes and angers, dreams and frustrations, the plans that work and those that do not, ghettos and swimming-pool-in-every-yard suburbs, beauty and ugliness, slum nightmares and low-income neighborhoods reflecting care and pride, public housing atrocities and public housing gateways to the good life. And the Commission could not help confronting the complex issues of race which interweave so many aspects of urban life.

While the Commission is drawing conclusions from its hearings, on-site inspections, and a comprehensive research effort, this publication is offered in the belief that the public will find useful insights in the testimony.

For reasons of economy and for the convenience of readers, repetitive descriptions of the Commission's task, addressed to each new gathering, are deleted. Introductions of the invited witnesses are summarized in footnotes. The many public witnesses are identified accord-

ing to information they presented. Much valuable written material submitted to the Commission, incorporated into the official records, is on file and is receiving scrutiny by members and staff.

Volume 1 included hearings in Baltimore, New Haven, Boston and Pittsburgh, held between May 12 and June 10, 1967. Volume 2 included hearings in Los Angeles and San Francisco between June 30 and July 7, 1967. This Volume 3 includes hearings in Denver, Atlanta, Houston, Fort Worth-Dallas-Arlington, and Miami held from July 10 through August 26, 1967. The succeeding two volumes are being printed in the order the hearings were held (see schedule, inside back cover). Under the direction of Howard E. Shuman, Executive Director, and in cooperation with Mrs. Jane Carey Enger, Administrative Officer, Walter Rybeck, Assistant Director, had primary staff responsibility for setting up the hearings and for editing Commission publications. Mrs. Marion Massen, Associate Editor, directed the indexing, graphics, and annotations designed to make these hearings useful for reference and research work.

The Department of Housing and Urban Development, many of whose officials have contributed to the Commission's research effort, has been invited to present a statement in the final volume of the hearings, responding to statements and questions pertaining to Federal housing and urban development programs and policies.

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# Denver

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*On invitation of the city's mayor, Commission Chairman Paul H. Douglas and Associate Director Allen D. Manvel represented the Commission at a one-day session of public hearings. They also inspected various parts of the community. Wide-ranging testimony dealt with building codes, land use, housing, taxation, local government structure, transportation, race relations, fire and police service, antipoverty efforts, schools, model cities activities, economic development, and health programs.*

*Chamber of Commerce Building  
Denver, Colorado  
July 10, 1967*

## INTRODUCTION TO THE HEARING

MR. DOUGLAS: I am troubled by the fact that there are so many important cities in the country that we want to visit. As you know, there are 55 cities in the Nation which have a standard metropolitan area of over 500,000. Our Commission is composed of people from private walks of life, who are already taking large amounts of time from their affairs. So, we could not select for our schedule of hearings more than 18 cities. But we did want to come to Denver, and I only regret that we were not able to bring the whole Commission with us.

I don't know what is happening in your city. I can tell you, I think, what is happening in most major cities in this country. A tremendous influx of population, generally poor people from the farm districts of the Nation — black and white and various groups — is moving into the central cities, and at the same time, an even greater flow of people is moving out from the central cities into the suburbs. Today, I think it is true that two-thirds of the population of the country is in the some 200 standard metropolitan areas, and slightly over half of these are in the suburbs rather than in the central city.

In many parts of the country, this is creating a cleavage between the suburbs and the central cities. I won't go into problems of representation in state legislatures, because I know this case was fought out in Colorado. But it is certainly true that there is an increasing tension between the suburbs and the central cities, with the suburbs

becoming more and more hostile to the central cities, largely because of the differing ethnic composition of central cities compared to the suburbs. In some states, the replacement of rural domination of the state legislature by the suburbs has not bettered the position of the cities very much. They have exchanged one set of rulers for another set of rulers.

The healing of the cleavage between the suburbs and the central city is, I think, one of the most important tasks. I am very glad that you are apparently exerting yourselves for the entire metropolitan area of Denver which, I understand, comprises five counties. You've got to go along together. If we can establish a partnership, it will do a great deal for everyone.

Inside the central cities, in general, there has been a decrease in the tax base and an increase in the burdens of education and welfare. The cities have been carrying large numbers of people coming in from the farming areas. The farm population of the country has fallen from 30 million to a little less than 12 million in the course of 25 years. Over 18 million people have moved into the cities plus their natural population growth inside. I say moved into the cities — moved into the cities and the small towns and small cities adjoining rural areas. They are naturally low-income people.

There is a very able woman attached to the Social Security Administration; Miss Mollie Orshansky — Byron Johnson<sup>1</sup> has used her work very effectively. She has published some material indicating that while the poor form about one-sixth of the population of the central cities, they form one-third of the farm population.

What has happened is the movement of the Negroes out of the cotton areas of the South, and the movement of Negroes into the cities of the South, the Midwest, and the East; the movement of other minority groups such as the Latin Americans into cities particularly west of the Missouri River.

Cities are compelled to shoulder problems which they did not create. A large part of urban poverty is a transfer of rural poverty. I've become more and more convinced that the Nation has to take a view of the Nation as a whole if it is to deal effectively with the city itself. Probably the rate of migration from the country districts is going to slow up because the pool which is available there has diminished. What we may have is a movement into the city proper of people who have been displaced from the farms and plantations, who have gone into the nearby towns and cities, living in shacks along the railroad tracks; they now will move on to the central districts.

In any event, I have felt for a long time that cities needed help in their financial problems. They are being compelled to deal with problems that they never created, which are the result of absolutely national forces, and that — with their diminished tax base — are really too heavy a burden. But that's another story in the background.

In the foreground, there are the problems of housing and education. I note that your new superintendent of schools is here. In a

<sup>1</sup> For identification, see page 16.

number of cities, we have met with the school authorities, and they're making a determined effort to absorb the onrush of youngsters from the rural regions. Their problems are far more serious than the immigrants of fifty or sixty years ago because, in the case of the Negroes, for example, it's much more difficult for them to assimilate, to be assimilated on terms of equality in our society than it was for the Jewish, Italian, German, Scandinavian immigrants of decades past.

Well, I see that I've fallen back into my habits as a senator, and talked at excessive length. My wife always used to say that a senator could compress into an hour what an ordinary man could say in five minutes, but I promise that I will try to hold myself in and not talk at excessive length. Let me say that I have come to learn, and not to teach. There's a similarity in the stories of many cities, but there are differences, too. One of the encouraging things is that there are so many cities — not all, but so many cities — that are aware of their problems and are trying to cope with them. I know that has always been the case in Denver, and I'm sure it is now. Thank you very much for the warmth of your reception, and I hope to learn.

#### STATEMENT BY MAYOR CURRIGAN <sup>1</sup>

### City Problems Not All of City Origin

MAYOR CURRIGAN: I am very, very pleased, and I'm sure our whole community is, Senator, that you would take the time from your schedule to be with us. From my knowledge, I doubt that there is anyone who has had a more distinguished career of public service any place, at any period of time in the history of our country, than Senator Paul Douglas. Certainly many of the gains of our urban civilization and the Federal legislation that makes it possible were born in the mind of the former Senator from Illinois.

I might add, Senator, it's very obvious that you have an excellent grasp of the situation that is facing this city as well as every other city, especially the central or core city. As you indicated, obviously the very first requisite is a recognition of the problem, or problems. If you do not recognize the problem exists, then truly you do have a hopeless situation. But if you do recognize that there are problems, then intelligent people ordinarily endeavor to work toward solutions. It is obvious, certainly, that in our Federal government the Administration and the President are keenly conscious of the problems of our urban communities and are doing much in this area to give help.

Many of the causes of our problems are not of city origin; they are beyond the city's capabilities to cope with, financially or in any other manner. Yet, we have them and we must do everything in our power to do something about it. We can't do it by ourselves. We need the assistance of the public sector, meaning the State government as well

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<sup>1</sup> Hon. Thomas G. Currigan, elected mayor of Denver 1967.



as the Federal Government; and we are beginning to see, thank goodness, a very significant increase in the recognition of the problem, and a willingness to help, from our business community. Maybe our community is an exception, but some of the moves the United States Chamber of Commerce has made very recently have indicated a strong willingness to realize the stake that business has in the affairs of the central city. This is most encouraging. We welcome this opportunity to discuss city business as it occurs here, for the record of the National Commission on Urban Problems, which you chair so very ably.

Historically, Denverites have a tradition of facing up to their problems and of devising sometimes daring and imaginative ways of meeting the challenges. I would like to cite a few examples:

At the turn of the current century, Denver was literally the pawn of the State of Colorado. Each department was governed by a separate bipartisan board appointed by the governor. When the police department refused to campaign for the then governor, a near state of insurrection resulted, and law and order collapsed completely here in Denver. An aroused and indignant citizenry passed the 20th Amendment to our State Constitution. This amendment created and merged the City and County of Denver out of part of Arapahoe County, including Denver and six other communities. The amendment also granted to Denver complete home-rule powers over county and municipal matters. Denver among major cities today is unique in both of these aspects.

About the same time, the westward expansion of the railroad system of this country threatened to bypass Denver. Local businessmen, in cooperation with public officials, built the connecting lines needed to assure Denver's economic future.

The provision of water for Denver has certainly been a tremendous challenge from the time this community was a small group of cabins on the bank of the South Platte River, back in 1857-58. In the 1930's we were threatened with a severe water shortage. At that time, Congress approved legislation, much of it authored by the late Senator Costigan of Colorado, legalizing the principle of transcontinental diversion of water. By the end of World War II the people voted bond issues which allowed our Board of Water Commissioners to bring great quantities of water from the other side of the Continental Divide, the western side. The cost of tunneling through the Rocky Mountains, building the reservoirs, and constructing other required facilities, ran to more than \$125 million. This entire project was financed by the residents of the City and County of Denver.

In June of 1965, a flood of unprecedented size caused 325 million dollars damage in Denver. Almost immediately, we started on a full-scale program to plan for the rebuilding of what we call the Platte River Valley. Rebuilding, not restoring. The clearance of marginal and substandard buildings truly gave us a rare opportunity to design an area which is beautiful, useful, and an economic asset, replacing the costly eyesore that much of this area was prior to the flood. A summary of our program recommendations, including 35 proposed



urban renewal projects, is submitted as reference material for the Commission.<sup>1</sup>

In Denver, we must determine how to carry out our plans before we can adopt them. The analysis, called "Economic Feasibility for the Denver Platte River Valley," involved a hard look at our total financial picture in the city. The conclusion of that study was stark and most frightening. The author, who I see is here today — Dr. Reuben Zubrow — wrote: "The City of Denver will be confronted with an ever-widening fiscal gap that could approach \$100 million by 1985 if the present general revenue structure and expenditure patterns continue over the next two decades."

Steady progress has been made since that report was written in carrying out the suggestions which are under our control. Today, we will seek assistance from the State and Federal governments for the good of our city. In Denver we believe that we are also part-owners of our State and Federal governments. We want to continue to grow and to build. But we demand that this progress be the servant and not the master of our citizens. To achieve this objective, we will continue to help ourselves. Ours is a vibrant, viable municipal government that must always be responsive to the needs of our people. But our overburdened citizens cannot do it alone. Our taxpayers — I'm speaking now of Denver — are carrying more than their fair share of the metropolitan service load. I think there is no question about it.

The imagination of our predecessors in Denver, when they consolidated all of the metropolitan Denver area of 1900 into a single government, did not foresee the growth of this area. Two-thirds of a century later, Denver comprises less than half of the population of the metropolitan area. The Zubrow report, which I noted a moment ago, points out that: "Denver as a core city has a higher ratio of public expenditures and provides a higher percentage of public services to its urban SMSA area than the average western core city of comparable size." City financing of metropolitan facilities adds to our tax burdens.

In my inaugural address one week ago today, I said: "Once again, there is rivalry and — yes — hostility between rival settlements. And there should not be. The destiny of Denver and the metropolitan area are inextricably bound together. Problems that we face — air pollution, crime, unemployment, recreation needs, transportation, educational opportunity, adequate housing for all citizens — these and many more do not recognize political boundaries. Nor can we in planning the future of this dynamic area."

## Moves toward Metropolitanism

In recent years, we have made some significant advances in meeting the problems. The Inter-County Regional Planning Commission, which includes six counties, provides us with a framework as well as

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<sup>1</sup> Placed in Commission's files.

a forum for coordinating physical development of this area. All general governments participate in transportation planning. The Metropolitan Sewage Disposal District has greatly reduced local water pollution. We are cooperating on uniform air pollution standards. The Metropolitan School Superintendents' Association is studying how education should meet urban problems. The librarians are developing joint services on a regional or metropolitan basis.

These are but a few of the efforts to bring order and reason out of the metropolitan chaos of more than 250 individual units of government. We have not solved this problem, and progress is too little and too slow.

Denver chose to make its antipoverty programs independent of the city administration. This allowed their evolution unhampered by charter limitations on the handling of funds, employment of personnel, and the like. A little less than a year ago, a major step forward was taken when Neighborhood Action Councils were elected in the five target areas. These elections last summer represented a significant move toward the involvement of neighborhood residents, which I believe is so essential in solving the many poverty problems. The second election is scheduled for the end of this month. The progress made since these councils took office has clearly demonstrated their value and usefulness. Members have worked hard, and shown great dedication and determination.

Denver recently has been funded for a program called "Youth Employment and Activities for Summer," or "YEA for Summer." It calls for five youth centers to provide employment and recreation for those 16 to 25 years of age. Two camping facilities to serve 1,400 children also will provide employment opportunities for many teenagers. An athletic program will involve about 1,000 young people 12 to 23 years of age, and will employ more youth and adults. Excursions from the city's recreation centers will broaden horizons as well as occupy the energies of many youngsters.

The Park Hill area of Denver is a neighborhood of gracious homes, tree-lined streets, and well-established community facilities. In five years, it has gone from an area which has less than 5 percent Negro to as high as 40 to 60 percent Negro in some sections. At first, this rapid migration caused concern similar to that experienced in other cities and many homes were offered for sale. For a brief time, some unscrupulous operators attempted to create a crisis situation, but they failed because of the good sense of a majority of the residents of the neighborhood. The lay groups of religious institutions, Catholic, Protestant, and Jewish, decided that action was needed, and formed the Park Hill Action Committee to combat the efforts of those who preyed on the fears and doubts of the residents. The group has a far-reaching program to develop a stable, integrated community, with high standards, and with considerable pride in its neighborhood. A recent study indicates that the in-migrants are now more white than Negro, and I think this is a most significant factor.

I might add that I had the pleasure of riding through at least a

portion of this area with our President about a year ago or maybe a little later than that; he commented on it from the summer White House a few days later. This was so striking — what had been done here in our community — and much of the credit belongs to the Park Hill Action Committee and the religious institutions in that area.

## **Tackling the Housing Problem**

A natural corollary to reduce the tendency of the Negro in-migration to create a new ghetto was the establishment by the Religious Council on Human Relations of a Fair Housing Center. The Center is a living example of what can be accomplished by cooperative local, state and Federal action coupled with private initiative and concern. The Center offers traditional mediation, information, and assistance services to Negro, Spanish-surnamed, and other families. Its efforts impressed City Council so favorably that Council appropriated \$20,000 to further its work. The State of Colorado provided another \$10,000.

A demonstration grant from OEO [Office of Economic Opportunity] has been given the Center very recently to demonstrate that fair housing can be effectively attacked by converting a traditional fair housing center into a housing development corporation that specifically concentrates on equal opportunity in housing. The housing development programs will be designed and administered by a specialized staff and consultants who have extensive experience in this field. They will demonstrate that the equal opportunity problem in housing is best solved by programs which increase the housing supply in addition to providing information and mediation services. The program will work both with the developers through a central office staff and with the low-income people in the communities where they live, to assist them in developing feasible alternatives to meet their housing needs.

Lowering the costs of construction of new housing or of rehabilitating existing housing certainly is aided by modern codes governing construction and development standards. Denver led the Nation in the current wave of modernizing zoning ordinances. Our building code has been completely rewritten and modernized since 1960. Our housing code long has been a model for the Nation, but with the encouragement of HUD, we are reviewing its provisions with the thought of raising the standards. Our Workable Program analysis led us to adopt a new Fire Prevention Code in 1964. All of these codes and ordinances are undergoing continuing review for the purpose of updating them and minimizing needless limitations on freedom of construction and development.

Nevertheless, Denver has the same problems in this area as all other major American cities. These problems are indigenous to our entire employment structure in this country. Until basic agreements on a national scale are reached among the great labor forces and the great building industry forces, little progress can be made in reducing total



construction costs. We in Denver have great faith that the National Commission on Urban Problems will find areas in which progress can be made on a national scale in developing techniques to reduce costs for new construction and for rehabilitation activities.

In conclusion, Senator Douglas, let me say that we are working very hard for progress on all fronts in Denver. We cannot do the total job without major State and Federal assistance. At the moment, in all frankness, I am deeply concerned at recent actions by the House of Representatives, and threatened action by the Senate, in cutting back appropriations for the Department of Housing and Urban Development to an unconscionable degree. Like all Americans, we have deep concern here for what happens in the world and our Nation's place of economic and social leadership. However, I respectfully submit that the crisis of the American city is the major domestic issue of our country. If we fail to meet it fully and honestly, we are in deep trouble everywhere on this earth.

We welcome the Commission which you so ably head. We in the cities look to you to bring together workable solutions to the many vexing problems that face this city as well as every other American city today.

Thank you.

MR. DOUGLAS: Thank you very much. If you can even carry out one-tenth of your program, you will have made a real contribution.

MAYOR CURRIGAN: Well, we're sure going to give it everything we have, anyway.

MR. DOUGLAS: Thank you very much.

## STATEMENT BY JAMES BRAMAN, JR.<sup>1</sup>

### Escape to the Mountains

MR. BRAMAN: Senator Douglas, ladies and gentlemen. I have been asked to discuss some of the problems facing Denver, as seen through the eyes of a city planner, and what the Denver Planning Office proposes be done about them. The Planning Office and Mayor Currigan recently have adopted a major revision of the city's Comprehensive Plan, set forth in the document "Denver 1985: A Comprehensive Plan for Community Excellence."

Although this plan represents three years of intensive work carried out at the cost of nearly \$300,000 to Denver's taxpayers, and involved the help of many hundreds of Denver citizens, we certainly do not pretend that it contains all of the answers to the problems of a growing Denver. Similarly, we cannot claim that Denver has urban problems quite as serious as larger and older cities. However, we do face growing problems, which I'll review briefly. I'm going to focus on problems which might be somewhat unique to Denver, since I

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<sup>1</sup> James D. Braman, Director of Planning, City and County of Denver.

know you are all too familiar with those problems associated with large and growing cities everywhere.

Denver is surrounded by a vast area of relatively uninhabited territory. Thus, it cannot expect much growth in industry which relies on major consumer markets. This itself is one kind of problem, and it leads to another. Since the potential for mass production of major consumer items in Denver is limited, our growth in employment has been primarily in the scientific and professional fields, which require highly skilled and educated employees. In many respects this is good for Denver, but it has resulted in minimum growth in low-skilled jobs. This has put a pinch on people of our Spanish-American and Negro minorities, many of whom don't have the training for the type of new jobs being created. Another problem of particular significance here is air pollution. This might come as a surprise, because air pollution is greater in many other cities. However, much of the character and, indeed, the economic health of our community depends upon a clear view of the mountains and sparkling air. Hence, even a modest amount of air pollution is less tolerable in Denver than it might be elsewhere. As you have heard, another difficulty is that Denver's tax base is weaker than those of comparable cities, with resultant problems in financing improvements and day-to-day operations.

I believe, however, that Denver's greatest problem may be self-satisfaction on the part of some of its citizens. Since traffic congestion, blight and deterioration, racial conflict, unavailability of housing for all, and many other customary trouble spots are not quite as severe here as elsewhere, many people aren't vitally interested in supporting the strong effort needed to handle such problems before they become overwhelming. And then our mountains, which by and large, must be considered a great asset, can be a liability in that they provide a ready escape for people who wish to avoid the tensions of the city. If urban life becomes oppressive, it's all too easy for many Denverites to drive west and be surrounded by natural beauty in just a few minutes. Then the very real problems of our city just don't seem too important.

Denver's great challenge is to find a way to arouse enthusiasm for tackling small problems before they grow into the full-scale difficulties experienced by other cities. The Planning Office and many other groups are now involved in education and action programs to reduce apathy and smugness in these matters and, happily, these programs are succeeding.

## **Highlights of New Plan**

Referring again to our new Comprehensive Plan, I'd like to mention some of its features. One thing on which we spent a great deal of time was the development of community objectives. The Planning Office agrees with Aristotle's statement that "the goal of the city is

to make man safe and happy." In developing more specific goals for Denver, we queried many hundreds of Denver citizens representing a cross-section of alert people in the community. As a result of this work, our plan sets forth 30 specific community objectives and scores of policies and standards. Our overall objective is that Denver should strive in all ways possible to achieve excellence in living environment, while still preserving a unique identity. We feel that excellence is not only desirable in a broad sense, it is also our best hope for encouraging sound industrial and commercial growth.

The Comprehensive Plan also devotes attention to basic development patterns for the metropolitan area. Denver's uniqueness is shown by our finding that the most important design feature of this area should be the Platte Valley, and that the metropolitan area should capitalize on the relationship of the Platte River to the mountains in guiding its future development.

Our Comprehensive Plan has much to say about land use, transportation, and public facilities, with excellence in location and design stressed throughout. Highlights of the plan include a program for converting ugly and dangerous gulches into handsome and useful assets; dramatic proposals for extending Denver's already fine parkway system; a long-range plan for future development of our excellent Civic Center, not only to provide sites for needed public buildings, but also to bring life and activity for the enjoyment of all right into the heart of the city; and a sweeping plan to beautify and revitalize the much-neglected Platte River Valley.

The Planning Office has been involved in many other activities, including the creation of a Landmark Preservation Commission and provision of staff services to the newly rejuvenated Art Commission. It is also hard at work, through the Society and the City Subcommittee of the Denver Planning Board, at taking a look at the likely form of society in the year 2000, and the implications this might have on longer-range planning. The Planning Office is responsible for the Community Renewal Program of Denver, and advises on all the clearance and conservation activities which this involves.

By ordinance, the Denver Comprehensive Plan must deal primarily with physical problems. However, we recognize that these cannot be separated from human problems and we are devoting more and more attention to the social aspects of our planning work. Even looking at the purely physical aspects of our Plan, one can see that we have set forth objectives and policies which will help us build a physical framework within which existing human problems can be solved and potential human problems forestalled. The Planning Office hasn't done this by itself—hundreds of citizens and scores of other public agencies have participated fully in the work. Particularly when measured against its potential, Denver indeed faces serious urban problems, and none of us is going to be satisfied until, in the words of Mayor Currigan, we have built a city to match our mountains.



## QUESTIONS

MR. DOUGLAS: *Thank you very much. May I ask a question about zoning?*

MR. BRAMAN: Certainly.

MR. DOUGLAS: *Are the zoning ordinances metropolitan in nature or does each separate town have its own zoning ordinance?*

MR. BRAMAN: Well, unfortunately, each separate town and each separate county has its own zoning ordinance.

MR. DOUGLAS: *Now in a number of other places, the charge is made that these zoning ordinances require such a large amount of space for single-family housing on lots that the cost of single-family homes is impossible for low- or moderate-income city people to go out and live there. Is that true here?*

MR. BRAMAN: I have heard the same charge here, and it is true that a great deal of the area, especially outside the city, is devoted to rather large-lot, single-family zoning. Land costs are high, so I think this is —

MR. DOUGLAS: *Do you know how large the lots are?*

MR. BRAMAN: Oh, the lots in suburban areas range from a minimum of about 8,000 square feet up to two-and-one-half acres.

MR. DOUGLAS: *You say that you do have some two-and-a-half acre areas?*

MR. BRAMAN: We do, but these are rather limited areas: Cherry Hills Village, Greenwood Village.

MR. DOUGLAS: *Are these the fox-hunting areas?*

MR. BRAMAN: Yes, that's right. I think the average would be 10-12,000 square feet.

MR. DOUGLAS: *Thank you very much. I may say, we have these same problems around Chicago. They require five acres, and were very much opposed to having the Atomic Energy Commission in the area because they thought the scientists would lower the social standing of the community.*

## STATEMENT BY J. ROBERT CAMERON<sup>1</sup>

### Problems of Ghetto Renewal

MR. CAMERON: Senator Douglas, ladies and gentlemen. The Denver Urban Renewal Authority is happy to have the opportunity to present the brief summary of Denver's urban renewal efforts and to discuss some of the phases of the urban renewal program which we believe are of interest and concern to the Commission.

Denver has four urban renewal projects in execution, and two in planning. In the projects which are in execution, major emphasis

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<sup>1</sup> Director, Denver Urban Renewal Authority.

has been placed on the improvement of housing conditions in slum and blighted areas, using three approaches: (1) the rehabilitation of existing homes; (2) the clearance of slum housing and relocation of families, and sale of land for private development of new housing for low- or moderate-income families or the sale or outright donation of land for public improvements; (3) the removal of slum dwellings, relocation of occupants, and sale of land for commercial or industrial uses.

In projects where the rehabilitation of existing housing and development of new housing has taken place, special efforts have been made to plan and develop areas for expansion of new neighborhood school facilities, the installation of playgrounds and parks, improved street lighting, new streets and street pavements, and other public improvements. The new dwellings constructed or now under construction include 513 built under the FHA 221 (d) (3) below-market program;<sup>1</sup> and 235 being constructed or in planning under the rent supplement program.<sup>2</sup>

The Authority sees an increasing need for rent supplement housing in future urban renewal projects. There will be a special need for rent supplement housing in our downtown Skyline project, to house elderly people on low, fixed incomes, who will remain in the downtown area. Recent action by the U.S. House of Representatives against appropriating funds for the rent supplement program will make it difficult for the Denver Urban Renewal Authority and the city to obtain relocation assistance from nonprofit organizations which we know are ready, willing and able to sponsor the construction of housing under the rent supplement program.

Over 460 dwelling units have been successfully rehabilitated in our Avondale and Whittier projects. In our Whittier project, extensive rehabilitation was successfully completed before the FHA 312<sup>3</sup> loans and 115<sup>4</sup> grants became available. Approximately 360 owners expended over \$800,000 to bring their properties up to standard in an area where the average annual income was \$3,000. We are now making the FHA loans and grants available to other persons in the area who are unable to complete their rehabilitation work. Where clearance of some housing was necessary within the rehabilitation areas, we are selling the cleared land for both private sale and private rental housing and for nonprofit-sponsored rent supplement housing.

At times, the Authority has been faced with a dilemma: Should we encourage new housing construction in the predominantly Negro areas and be faced with the criticism of rebuilding the ghetto, or

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<sup>1</sup> FHA mortgage insurance for new or rehabilitated rental housing for displaced or low- or moderate-income families with mortgages bearing below-market interest rates.

<sup>2</sup> Involves Federal payment of the difference between 25 percent of the income of a low-income tenant and the rent he must pay for standard private housing.

<sup>3</sup> FHA insurance for mortgages at a below-market interest rate, to finance the purchase and rehabilitation of substandard housing by nonprofit organizations, for subsequent resale to low-income home purchasers.

<sup>4</sup> FHA-administered grant of \$1,500 for rehabilitation of housing in urban renewal areas.

should we turn our backs on these areas and let them sink slowly but surely into rock-bottom slums until total redevelopment is the only solution? We think our approach has been the correct one. Encourage rehabilitation and construct new public improvements to enhance the neighborhood. In addition, we have removed the housing impossible to rehabilitate and have replaced it with new housing, while at the same time every family has been given the right to live anywhere they may wish, through community promotion of fair housing practices.

We believe that the urban renewal program has the support of the people in the areas involved. I do not have to tell you that in many cities, urban renewal has been labeled "Negro removal," and support of the urban renewal program by the Negro citizens has been less than enthusiastic. In our recent referendum on the Skyline Urban Renewal Project, more than 72 percent of Denver's voters supported the program. In the Whittier area, more than 84 percent of the voters favored the Skyline Project.

Denver's downtown Skyline Urban Renewal Project, now in the planning and survey stage, represents one of the major renewal efforts of any American city. Special legislation amending the Federal Housing Act of 1965 permits Denver to claim as a local contribution for the Skline Project all costs incurred in the construction of Denver's new Convention Center. The total public cost for the Skyline Project will exceed \$44 million, and we anticipate it will result in private redevelopment estimated at \$200 million. As we have already stated, the Skyline Project was overwhelmingly supported by the voters of Denver last May 16th.

Now, as important as Skyline is to the future economic growth of Denver, the Denver Urban Renewal Authority recognizes that we must continue those programs which involve the removal of slums and the creation of new and rehabilitated homes for lower income families. In short, urban renewal must be concerned with people.

The Platte River development study, which Mr. Braman has already mentioned, which was financed by a \$240,000 grant from HUD, followed the disastrous flooding of the South Platte Valley in June, 1965. This study designates more than 30 urban renewal projects needed for the redevelopment of the river valley. In addition, Denver's Community Renewal Program has designated the need for urban renewal projects in 20 neighborhoods located within the target areas of Denver's proposed Model City program.

As has already been pointed out, Denver is a relatively young city when compared to the cities of the East and the Midwest. Conditions are not yet so bad or so extensive that good planning, new public improvements, programs of good code enforcement and well-conceived programs of urban renewal cannot eventually wipe out entire areas of slums and blight. To accomplish this, we need the assistance and help which is now being provided by the Federal Department of Housing and Urban Development and which we sincerely hope will be enlarged to meet the constantly increasing needs of cities like



Denver. We wish to reemphasize our concern over the rent supplement program. We must rehouse the people relocated from urban renewal areas into safe, decent housing. The rent supplement program would provide additional tools to accomplish this task. We respectfully request that your Commission, Senator Douglas, encourage the support of an effective rent supplement program by Congress.

The Board of Commissioners and the personnel of the Authority wish to thank you again for this opportunity to present this statement to you.

## QUESTIONS

MR. DOUGLAS: *Thank you very much. Mr. Cameron, there are a number of cities, if I might digress, in which the city authorities and the citizens complain very vigorously about the delays to which they are subjected by Housing and Urban Development. I think there are something like 107 different steps that have to be carried through in connection with urban renewal, and the average amount of time in merely getting authority to go ahead, the average amount of time is about 365 days. Have you had experience in this connection?*

MR. CAMERON: Yes, sir. We face the same problems of developing an overall total plan. I think some of it's tied in with the fact that we're probably overly conscientious, and when I say "we," I mean my colleagues across the country, in trying to come up with **all** the apparent solutions to all the problems. I think some of it is **brought** on by local problems of delay in attempting to come up with all the facts and figures necessary on relocation to be absolutely sure that we properly relocate the people; certainly the problems of financing, for they are expensive projects. I think, very frankly, some of the delays exist with the Department of Housing and Urban Development in their review. I think they have to show a little more confidence in our local ability to know what our own problems are, and work them out without having to, if you will excuse the expression, "nit-pick" every item.

MR. DOUGLAS: *Do you think the delay is largely in Washington rather than in the regional office?*

MR. CAMERON: No, I think they rest in two places. I think it's a matter of perhaps over-planning to some extent on the local level, but also too much emphasis on a concern on the part of the Federal people and not enough confidence in the local people, especially after they've gone through three or four projects, that they know what they're doing.

MR. DOUGLAS: *Another complaint, which you mentioned, is that it is very difficult to relocate the people who are displaced. Now, apparently, you've given a great deal of thought to this. What have been the most successful ways in which you have handled this?*

MR. CAMERON: We've been fortunate. We haven't had the large numbers that other cities have had. Frankly, our relocation program as far as I know has acceptance by the people — and I sit in the hot-seat where I would naturally get a lot of the complaints — our relocation, I would say, has been very successful. We have had the housing in which to put the people, mostly private housing, although some public housing has been used. The people themselves have been understanding and cooperative, and we have been able to get them into good housing, private and public.

MR. DOUGLAS: *How have you been able to do that?*

MR. CAMERON: Here you must take time. We've had the time to do it. We've had excellent cooperation from the real estate organizations. Because of our real concern for fair housing practices, there hasn't been an inability to move minority families into other areas, and this is very important.

MR. DOUGLAS: *Have you had much relocation in the areas themselves that you have. . . .*

MR. CAMERON: Most of our families that come out of our residential projects have moved close to where they were before. This is only natural because of churches and clubs and organizations. The opportunity, however, has been to move pretty much where we get them. Real estate listings. As you know, we have a very strong State fair housing law, and we have attempted to point out that people can move anywhere where they can economically afford to move. We have been quite successful.

MR. DOUGLAS: *Have you been compelled to bulldoze an area at one time, or have you prepared an area, then developed housing there to absorb people from other sub-areas?*

MR. CAMERON: You always have a first project in which you must relocate people, because you don't have any other project to which to move them.

MR. DOUGLAS: *What you are saying is that you must have housing in advance of clearance.*

MR. CAMERON: Yes, you must have it. In fact, this is an absolute requirement and we have not tried to duck the issue as I think some cities have. We do a detailed analysis before hand, in our planning. As you know, there's an urban renewal plan and a relocation plan that must be approved by Council, and we must show that there is availability. That's why we're concerned in our Skyline Project where we have these older people that want to live in the area. We know that we must rehouse them, and we only see two ways; either through the rent supplement program or through public housing, in either new housing or remodeled older housing.

MR. DOUGLAS: Thank you very much.



## Fiscal-Fare Woes of Mass Transit

MR. JOHNSON: Mr. Chairman. Passenger cars in Denver have tripled since World War II, but transit use has fallen 75 percent. It now comprises about 9 percent of daily personal trips in the Denver area.

During this period, the Denver Tramway Corporation has converted from street railway to trolley buses and then to motor coaches, salvaging all it could; reducing operating divisions to one; maintaining a presently modern fleet; routes and services have been fairly well maintained; fares have risen from 8 cents to 30 cents currently. The company has paid dividends on all its preferred stock over the period; has built up a cash reserve equal to one-third of the depreciated value of the operating property; the equivalent of all surplus, earned and unearned, has been used to repurchase outstanding stock, and more than half of it has been retired.

Yet, two-thirds of all Tramway's costs are labor costs, and these rise more rapidly than productivity can rise. All the obvious gains have been accomplished here. We have one-man operators, larger buses, one-way streets, skip stops, bus turn lanes, computerized traffic control, and so on. But now, when we have new labor contracts as we did on May 1, these increase costs directly, and induce pressures for higher fares. One is just now being debated today.

Twenty months ago, the Mayor named a citizens' committee, which I chaired, to review mass transit and make recommendations. I am submitting for the record a copy of my report, dated May 29, 1966, which has more complete statements of our whole situation. It is no secret that higher fares are partially self-defeating because they face increasing price inelasticity of demand. Moreover, they are a most regressive kind of tax upon a significant portion of a very special constituency: the aged, the poor, the crippled, the young, the minority groups, the widowed, the unmarried, and so on. Mass transit is not only bound to that constituency, but it is also bound to the geographic constituency of the central business district.

Denver has seen the development of more than 30 outlying shopping centers, more than a dozen of which offer substantially complete shopping services, all oriented to the automobile driver. This takes a good deal of the load off the central business district, but this district is still growing very rapidly as our changing downtown skyline attests.

The Committee recommended strongly that relief be given to Denver Tramway in the manner most easily available immediately; that is, for the city to lease the equipment from the company and hire the company to operate it. This first step is now being negotiated between the City and the company, with further negotiations taking place at the end of this week. Hopefully, this contract, when effective, will permit the second phase of our recommendations to begin: to seek ways

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<sup>1</sup> Transportation Consultant to the City and County of Denver.

of increasing riders and promote the greater use of mass transit. This includes, we trust, the possibility of working with the Federal grants for demonstration projects and for capital grants.

## Ways to Increase Riders Sought

I have suggested a much more complete origin and destination survey of the downtown daytime population than has ever been undertaken, not only to improve the routing and scheduling of mass transit, but also to improve the basis for highway and street traffic control and for street construction.

I have also suggested that the presence, at the edge of the downtown area, of a major union rail terminal with rail rights-of-way radiating to all but the southeast portion of the metropolitan area, permits a unique experiment with a possible road-rail coach — a combination vehicle, that could traverse between the outlying parts of the city and the central business district at high speed. It would be more than competitive with autos at rush hours — and thus recapture for mass transit a significant part of these trips as commuter trips. This, of course, must await the contract I talked of, a feasibility study, suitable finance, and vehicle design and construction. But it could be a major breakthrough at a fairly low cost to this city and no doubt be of some demonstration value elsewhere.

Finally, as you've been told, even Mile-High Denver has discovered smog. Our magnificent mountain backdrop occasionally disappears into the fog of exhaust fumes, which are largely auto-induced. I have urged experimentation with electric-powered coaches for these road-rail vehicles and for the other coaches as soon as it proves feasible.

This road-rail system would permit another major improvement; namely, the building of a subway from the rail terminal to beyond the Civil Center, thus feeding services to the downtown area while being below grade, and expanding the capacity of streets to meet the growing demand of cars and trucks.

Because this is a city of relatively low densities, we're not likely to be the first city to experiment with some of the more exciting new forms on the drawing boards of vehicle design, power systems, suspension, rights-of-way, and so on. Yet, no city has a greater aesthetic reason for encouraging smokeless and less noisy forms of movement of people and goods. I am happy to report to you that the official interest and support of this program has been matched by a growing citizen interest and support as well. It has taken only a year to get this report digested and the program started. It heartens me to find a growing willingness to begin work along a constructive course of action and, hopefully, we in Denver will devise some truly metropolitan basis for action. No doubt, the projected highway program for the next 20 years has helped.

The mass transit system now in operation carries a book value of just over \$5 million and an annual revenue of the same amount. Our

annual highway investments have been exceeding \$10 million per year, and are projected at \$480 million over the next 20 years. It may just be possible that a better allocation of resources would result in putting a few more dollars into mass transit and reducing the high marginal costs of auto transit. There has been a national dearth of adequate economic analysis in this field. Cost-benefit ratios have been ignored; all of the literature is about a single form of transportation—the automobile and truck. Your Commission could help immensely by focusing greater attention on the possibilities for reducing the true cost of all transportation by encouraging new forms; by showing how to make mass transportation more attractive, more frequent, more speedy, more comfortable, and more direct, as well as more economical. Denver is, I am confident, prepared to cooperate.

CHAIRMAN DOUGLAS: *Thank you very much. What is the capital investment in the present transit system?*

MR. JOHNSON: Actually, taking the total book value, it's just about \$5 million. Of course, the street railway is long gone and the overhead wires have been salvaged; so we're looking primarily at a motor-coach system and one very well run car barn. We were very pleased. This company has paid dividends over this whole period. They're modest, but it's a surprising accomplishment against a rapidly declining base. The sum involved—the \$5 million—when compared to annual outlays for highways, is almost peanuts.

The potential of something on the drawing board, of course, will take some more money. But if we could ever think of transportation as a system—not just of one transportation form as somehow competitive with all the others—I think there are great potentials for true economies of operation, by better joint use of transportation systems. But we're in the embarrassing position where one Federal program goes one way and one goes the other. Now, you know better than I what the future may be of HUD versus the Transportation Department's concern for the urban areas. In urban areas, we are a little disturbed that until the philosophy of the Transportation Department is more clearly set forth, we may lose the very keen urban interest in mass transit just out of the notion that, somehow, all transportation should be together. I see great possibilities in the Transportation Department, but I would be much more optimistic if I could see a better public discussion of both the capital costs and the operating costs, and not just to governments, but to citizens, to businessmen.

CHAIRMAN DOUGLAS: Thank you very much.

## STATEMENT OF MRS. HELEN PETERSON <sup>1</sup>

### Subtle Biogtry Related to Urban Decay

MRS. PETERSON: Mr. Chairman, I'd like to make one point of emphasis, first. Senator Douglas, it seems to be difficult for people from

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<sup>1</sup> Director, Denver Commission on Community Relations.



the East to understand that Denver is a city where the largest ethnic minority is Spanish-American. This really does call for differences in planning and evaluation which are little understood. With the rapid movement of people into our city, even our own city sometimes does not fully take this into account.

Denver's greatest promise is its human relations climate. The half-million people of this city comprise a rich blend of color, creed, and culture in a proportion that does permit cosmopolitan sophistication. The largest ethnic minority group — Spanish American — constitutes about ten per cent, Negro about eight per cent, and Jewish, American Indian, and Japanese-Americans bring the total of minority citizens to about one-fourth of the citizenry. While Denver does not show ugly patterns of visible discrimination, there are subtle methods of discrimination and humiliation that can and do hamper human development just as effectively. Being better than most cities often deludes people in the community into a false sense of security and self-righteousness, blocking out the vision to see the further steps necessary to removing the last vestige of prejudice and discrimination that thwart the development of minority peoples and contribute to the core of decay in the city.

In general but plain terms, the unfinished business of the city is that minorities proportionately are the poorest, sickest, least educated, least trained, least represented, most unemployed and underemployed, and most convicted people in the community. The heaviest impact of poverty falls on the minority peoples. Remedial and corrective programs proliferate, but the very proliferation further confuses and frustrates the people who need the services. The little people have crying needs, but almost no effective organization to get results in time to solve their problems or overcome their handicaps exists.

The ordinary middle-class citizens in the community, both majority and minority, may do something about a problem they see in their local school or neighborhood, but they seem totally unable to see the broad problems and possible solutions in the city or metropolitan areas as a whole. Most of the powerful people of the community — those who have the influence to change things and bring about massive action — really have made only token efforts at finding better, more creative, adequate approaches to the problems of the poor and the minorities, and thus, the problems of decay in the core city. They don't lend their considerable leadership and example to bringing about massive changes in the community. Yet, the changes must be massive and immediate, or the opportunity to solve problems will pass.

In those limited situations where massive municipal services could slow down decay or rebuild neighborhoods, the city has been doing and must continue to do what it can, but it isn't remotely enough. The municipality is wedged in by the problems of (1) finding the revenue to do what it must do, and (2) the outright refusal on the State level to face up to the absolute necessity of urban county government.

Denver was one of the earliest cities to give municipal attention to human relations, establishing its first Committee on Human Relations in 1947. In 1949, the City Council, by ordinance, converted that committee into a permanent agency of the city government. In the years 1963 and 1966, the staff and budget of the Commission were tripled: the staff, from three to ten persons and the budget, from \$33,000 to almost \$100,000. This is under our present Mayor Currigan's leadership. During the same period, the city established a City-Citizen Relationships Committee, to improve the procedure for processing complaints and, at the same time, to free the City Commission for more educational efforts. The City Administration adopted work-relief programs in the County Jail, and personal recognizance bond systems to aid the poor and minorities.

Denver also got off to one of the earliest starts among cities in the War on Poverty. The administration has established a public defender, who must defend indigent persons accused of felonies in District Court, and may to the limit of resources defend indigent persons accused of misdemeanors in the County Court. Ward 18 has been opened in Denver General Hospital to provide more appropriate care for the mentally ill, the sick, and the alcoholic. A one-year-old neighborhood health center is serving more than its capacity, and expansion of it as well as opening of a second neighborhood health center will occur soon. Neighborhood Action Councils have been elected, as the Mayor noted.

Two surveys of our city employment practices have been undertaken, in 1963 and 1966, and our Career Service is engaged in a project with Federal and State personnel officials to examine and revise testing procedures for all public employment.

The chairmen or directors of all of the following agencies meet regularly with the Committee on Community Relations and its staff to facilitate joint work: the office of the Mayor, the City Council, the Public Defender, our War on Poverty, the City-Citizen Relationships Committee, the City Attorney's Office, the Police Community Relations Bureau, the Denver Public Schools Community Relations Department, and our Citizens Coordinating Council. All of these work with the City Commission.

The City Administration has also initiated an experimental program on a one-to-one basis, where private citizens serve as lay supervisor-counselors for County Court probationers.

Headed by a career officer elevated to the rank of division chief, Denver has had a Police Community Relations Bureau since 1966. Police training has been improved and expanded, but I am certain this will be summarized by our Manager of Safety.

The importance of the example and leadership of the chief executive of the city can hardly be overstated. The Mayor, a Democrat, and the Governor, a Republican, have shown remarkable statesmanship in human relations matters. They jointly led the march to the Capitol steps for the memorial service for the Rev. James J. Reeb.<sup>1</sup> The

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<sup>1</sup> Boston minister killed in Selma, Ala., Mar. 11, 1965.



Mayor was the speaker for the memorial service for slain civil rights workers. City officials, acting as individuals, assisted in organizing a chartered plane of Denverites who joined the Selma-Montgomery march.

With all that going, with all the resources at work, there are still, however, unmet needs. All the good will, effort, and organization still add up to progress which is too little, and too late, and far too inadequate to overcome the growing decay and frustration. The efforts barely keep pace with the growth of the problem. The faster the city grows, the farther behind adequate solutions to our problems will surely fall. We have barely been maintaining the peace, when we need massive programs to reduce gaps in opportunity and achievement of our citizens, and even more massive programs if we are to build up some lead time on what we can most certainly expect urbanization to bring our city's way, by way of more frustration, tension, chaos, and perhaps even violence. It is essential to stop the decay and rebuild the troubled areas, even in the interests of economy. The more we delay, the more costly and painful will be the tasks that must eventually be accomplished if the city is to survive.

Many of our existing programs must be continued, improved, coordinated, and sometimes expanded. Others need to be combined or reorganized. A few may be obsolete. Effective means need to be found to evaluate existing programs and apply whichever treatment is appropriate. But besides these existing, established, and sometimes routine activities the city now operates, Denver needs dramatic, exciting, enriching programs to capture the fancy and participation of both minority and majority groups. Minorities need to gain or recapture a sense of identity, dignity, and worth. Cultural programs are much needed to excite youth and cause growth above the mediocre fate into which too many fall and with which they become satisfied.

Perhaps the greatest need, and the most difficult to fill, is for long-term community education, designed to assist people — particularly the minority poor — to recognize and identify their problems and to find their own solutions. (Here I have some knowledge of the community education program in Puerto Rico, which we hope to study more deeply.) Objectives of this program would be to motivate and get the people to do this themselves. Such an approach is essential if the proliferating programs are to serve the people and the purposes for which they were intended. People should use the programs; programs shouldn't use them. As of now, the band of programs too often merely causes the poor to run for cover, and results in further confusing, frustrating, and deepening the sense of dependence on someone else to bring answers to problems for them. At the same time, these are the same people who most desperately need to gain or regain control of their own souls and their own destinies, and who need to develop self-reliance.

An all-out concerted attack must be made on prejudice against dark skin. All the skills and knowledge of modern psychiatry, psychology, personnel administration, religion, sociology, law and law enforce-

ment, and all the social sciences will need to work in a mobilized, coordinated fashion. Dramatic new ways to enable minority people and their leaders to look into the future more clearly and to chart their courses must be found. All citizens and groups must understand and appreciate the difference among people, and learn to move with sureness in dealing with difference. To recognize differences and deal with them separately, along with combining differences to enrich the whole — this is an urgent need in this city, where culture constitutes a dimension of human relations little understood by practitioners of intergroup relations.

Labor and industry must recognize their responsibilities for setting the pace for the whole community, and accept all people for their individual worth and their future potential. Dealing fairly according to the letter of the law by hiring or referring the best qualified isn't enough. The intent and spirit of the law deserve their attention, and the qualifiable must be afforded compensatory assistance to number among the best qualified. The discouraged and the downtrodden must be motivated to start the climb up, and it's on this very point where we've had great public discussion within our own Employment Service.

Public officials, church leaders, community pace setters must stop looking around to see what their neighbors or friends might think. They need to speak up and set an example for others to follow. They must appreciate the opportunities their public trust or their position of community leadership gives them to escalate the local war against prejudice, bigotry, despair, decay of the city, and inaction.

Denver's human relations image is relatively good, but it must be improved and sharpened if we are to achieve its great potential. Local government, even though it has set a good example, can move even faster and more strongly, but it must have much greater funding. With that greater funding and with citizen support, it will create a total community that will be unique among the cities of the Nation. People working together with confidence, faith, and courage can truly bring this about.

This is a summary, Senator, of a total statement in the application for a Model Cities grant which I shall file with the Committee.

Specifically, I should like to suggest again consideration of the Community Relations Service in the U.S. Department of Justice, which is relatively new and constantly searching for ways to assist cities, but in terms of experts or consultants from another area. I urgently suggest that we give consideration to the Community Relations Service's reimbursing cities for some of the top staff in intergroup relations in city agencies, partly to offset the great growth of demand on the part of public agencies since 1964, and since the enactment of the Equal Opportunity Act and the Civil Rights Act. It is proper and it is right that Federal agencies should work with the cities, but this now is beginning to take time which it seems to some of us ought properly to be reimbursed to the cities, which are suffering the most anyway.

Thank you very much, Senator Douglas. I have not attempted to get into specifics. We do work on a short-range and a long-range program. I will give you the kit which has been given to members of the business community, the minority leadership, our broadcasting industry and newspaper editors, in a series of briefing sessions on this summer and what the city is doing to minimize tension held by our Mayor within the last two weeks. This is the kind of immediate work that we do for the city, as well as the long range, which I tried to discuss in the statement.

We're delighted to have you here.

CHAIRMAN DOUGLAS: Thank you, Mrs. Peterson.

## STATEMENT OF HUGH McCLEARN <sup>1</sup>

### **Police, Fire, Safety: Bigger Burdens**

MR. McCLEARN: Senator Douglas. The Department of Safety in Denver supervises three vital public safety services: the Fire Department, the Police Department, and the department that handles the detention of people from the time they are arrested or otherwise detained until their cases have been disposed of by appropriate judicial proceedings. For historic reasons, here in Denver we call that the Sheriff's Department; it probably would be more descriptively referred to as the Department of Detention and Correction. I also handle some licensing, but I'm not going to mention that here.

First, I would like to say that I think that we are very fortunate in Denver to have a very sound governmental framework within which to operate. By that, I mean to say that these departments which I supervise are all directly responsible to the Mayor and City Council through the Department of Safety. I don't think the beneficial effects of strong, centralized management should be overlooked in the overall pattern of operation of these departments.

Generally speaking, I think the jobs we have asked the people in my department to perform are being performed competently. As the only manager that you'll be exposed to today, I'd like to talk about a couple of threshold problems which I have in common with all other managers of any large organization. They are not unique particularly to safety, although I feel them very strongly, and so want to mention them.

One, I think, is a definitional problem. I think we all are having problems in determining what we want specific agencies to do. Actually, the definitional problem has many facets. The Fire Department has traditionally put out fires. Here in Denver in the recent past, it has assumed the job of responding to all sorts of other life-saving functions. It now has developed a great deal of expertise in many

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<sup>1</sup> Manager of Safety and Excise, City and County of Denver.



other nonfire-related jobs, and it has the equipment that goes with such job. In other cities, the fire departments have taken over the ambulance business, because it has been found that they provide better service in that area.

I think that more and more people are beginning to realize that almost everyone who is arrested or detained is going to come back to society and, in many cases, in a very short time. The quicker you get to these people and attempt to change the patterns of conduct that caused you to arrest them in the first place, the better it's going to be for everybody, and in the long run, cheaper for everyone. The whole thrust in the correctional field is toward getting to these people earlier and with a wider variety of tools. The role of the Police Department is constantly changing. Certainly it changed drastically with the advent of the automobile.

You can add to this basic definitional problem the problem of re-defining the jobs that they now have. There's a lot of difference between putting out a fire in a hayloft and responding to a supersonic jet coming in with 500 people aboard when its wheels are locked up. The people in the Fire Department are constantly being required to learn new ways to deal with the jobs they already have.

In handling the definitional problems, I think you have to rely an awful lot on the public servants who are handling the day-to-day operations. In the Department of Safety, more than many other governmental agencies, you're faced and perhaps hampered by a philosophy that everyone has to come up through the ranks. Our civil service is such that most of our top leaders have all started out at the bottom, and worked their way up. This, I think, is true nationally. There's an awful lot of folklore built up around that concept, and I don't say that it isn't without some merit.

I think, however, that in rapidly changing times, we're finding we have not given enough of our leading civil servants the kind of exposure to the wide variety of experiences they really need to enable them to recognize and help formulate, and then respond quickly, to the new and rapidly changing tasks that we are asking them to do. Denver happens to be blessed with a very sound group of high-level civil servants. And in my department, we are asking for substantial increases in funds to expose them to a wider range of educational experiences — not only the top leaders, but those who are going to be the leaders in the future, so that they'll have the benefit of broader experience.

The second threshold problem which I think we all face, I'll refer to as a transfer problem. After your departmental and other governmental leaders have decided what they want these operators to do and how to do it, then we have to get that down to the people who are actually performing the work.

Our citizens are constantly demanding all kinds of service of my department, in greater quantities and at a higher sophistication level. They want a really different quality of service in many respects.

The men we recruit as firemen, policemen, and correctional officers

are all dedicated. Almost to a man, they are dedicated to doing the best job they can, and will do what you tell them to do. In Denver, as elsewhere, I think we have failed miserably to help these dedicated public servants by giving them adequate training. We don't give them adequate training to begin with, and I don't think we continue their training as they go through their careers.

I think this makes the citizen very angry, because it certainly reflects in the quality of the service they get. Really worse, I think it creates frustration, and the frustration leads to cynicism in the public servant himself, because he is doing just what we told him to do, or he is doing what we told him to do many years ago, or he is doing what he thinks we want him to do, and he's being roundly criticized for it. We haven't told him that we've changed the game.

I think Denver's beginning to face up to this problem, at least in the Department of Safety.

MR. DOUGLAS: *Mr. McClearn, could I break in for a moment?*

MR. MCCLEARN: Certainly.

MR. DOUGLAS: *Our chief minority in Chicago is, of course, the Negro population, who form between 30 and 33 percent of the total, but we have a large and growing proportion of Puerto Ricans and Mexican-Americans. We have had very few policemen who could speak Spanish, and as a result, the Spanish-speaking population have felt that they were neglected. Now do you have that problem at all here?*

MR. MCCLEARN: We have a police force that, I think, has an active current strength of about 825 people. We have 13 Spanish-surnamed individuals on it. I know for a fact five of those do speak Spanish. Our problem is we don't get applicants from the Spanish-surnamed community. We are faced with a real problem. I think about 60 percent of our juvenile case load is from the Spanish-surnamed — not necessarily Spanish-speaking but Spanish-surnamed — ethnic groups, so we do have a very definite problem in that area.

MR. DOUGLAS: *You know any way of coping with that?*

MR. MCCLEARN: The language problem I think you could handle by teaching the officers to speak it. Getting applicants from the Spanish-Americans is a problem of more serious proportions.

## **Training Plans for Police Officers**

I was just saying that Denver is starting to make some efforts in this training or education (I think there is a difference, but we are interested in promoting both). We got a tremendous assist last year with the establishment in our new Metropolitan State College of a police science administration program. Many of our police officers are currently attending that school on their own time and on their own money. We are now trying a modest tuition reimbursement program, and we hope to fund that on a permanent basis.

I met with officials from this same college last week with the view of starting a program aimed at our detention and correction people.



This would be on a broader base, to include people who are in parole work and a variety of that sort of services. We're also talking about a course for firemen. We are working toward the day when all of our officers will attend some institution of higher learning on a continuing basis throughout their careers.

One of the real stumbling blocks, of course, to providing all of this training is communication. Each one of my departments operates on a 24-hour day basis, and I would venture to guess that there must be at least 25 different shift changes. Each department changes shifts at different time, and within them are different operations that change at different times, so we run into a terrific job of communicating with all these people. We do a very poor job of that at the present time, and I think we do it very inefficiently.

I think we have the opportunity of breaking through this communications barrier by use of a small municipal TV station. This closed circuit system would enable Denver to have an educational and an operational capability, which we really need. I think New York is the only other city which has this capability. We wouldn't have to struggle with the transportation and shift change problems because we could capsule the information and give it to the operational people at the time when they could take it, at their own convenience. We now have a permit to construct such a station, and I hope to ask City Council to move ahead on it in the very near future.

MR. DOUGLAS: *Thank you very much.*

## STATEMENT OF YUSEF HASSEM

### **Race: Deal with Injustice, Not Tension**

MR. HASSEM: First of all, I think I should introduce myself. My name is Yusef Hassem,<sup>1</sup> and I'm originally from New York. I have been in the distinguished Senator from Illinois' area in Chicago. In fact, I was in Chicago last week.

I think that one of the problems of Denver — one of the major problems — is the fact that there is a tendency to overlook the problem that exists. We have established a division here entitled "Sundiana," and we are attempting to reach the grass roots individual in Denver.

There is a problem that exists in that Federal programs that come out of Washington and are maneuvered here in this particular city. Like in most cities, the programs are caught up in the grasp of bureaucrats who do not identify with the people in this particular area. The ghetto problem that exists in Chicago or New York (we worked in Harlem) does not exist in the same degree in this particular city. But the fact is, it is here. Poverty is rampant in some parts of East Denver.

When one talks of the Negro problem — I think it was said earlier today that we have no Negro problem. But I was here in 1960, survey-

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<sup>1</sup> Representative of Sundiana, a Denver Negro organization.

ing the situation, and I found that the Negroes at that time were moving across Colorado Boulevard. You will find that the problem does not exist because Denver is in its formative state and people are building new suburbs at different locations. When the black people move in, generally speaking, white people move out. In fact, in reference to what Mayor Currigan said just a few minutes ago — that this problem did not exist — I was in the area just yesterday, and I find that in that area, more black people have moved from Colorado Boulevard to the airport, and there are many For Sale signs up even now. You know — by whites who are moving out of the area.

Again, I would like to say that the problem is not as serious as in some of the other major cities — New York, Chicgao, even Detroit. But the fact is, it is here. I think that the major problem, again, is Mayor Currigan's statement that we must accept the fact that it is here, and recognize that we do have a problem, and then we can move on from there.

MR. DOUGLAS: *What would you suggest as a solution?*

MR. HASSEM: Well, we talk of identification and some type of loyalty among the people, to make the people feel that they have a true worth. I think that the problem that exists here in Denver, again, is a nationwide problem. It stems from the long years of oppression and subjugation that the blacks in America were afflicted with and, to a large degree, they have no real understanding of self, or identification with themselves.

There's the educational system, for that matter, which largely neglects colored people in America, as far as identification is concerned. As a result, you know that in schools across the country — even here in Denver for that matter — the majority of people that come out of these schools, black people, do not go on to college because the school system itself was inadequate and because of psychological situations that we had. In New York City, in September, when we were there, they had established programs in Harlem where they tried to teach some type of history of black people in the school system itself. This is a first step in making people feel they have some type of natural worth or that they do have ability. One must know where he has been in order to know where he is going. This in itself is a positive step. I don't think that they have it in Denver at this particular time.

I think there is a tendency around the country, not just here in Denver, to feel that when we talk of peace, or what we call peace, is the absence of tension. What we want is not peace but the absence of injustice. There is a tendency to create more programs such as recreational programs. This is very well and good; it is peace — the absence of tension — because the people at this particular time are engulfed, or we'll say, entrapped, in this recreational project. The fact is, the child must come back to the ghetto; he must come back to the school; and the child is growing older. Once he leaves the school situation, he must be ready to function within society at large. This is the problem we have to come to grips with right here in this particular town.

MR. DOUGLAS: *I appreciate this very much. Some years ago, the Negro community was very emphatic in wanting integration, and as a result we passed equal opportunity acts which deal with employment, and with public facilities. You have pioneered really, here in Denver and in Colorado, with open occupancy. Now we notice that at its national meeting CORE seems to reject integration and seems to want instead the maintenance, not of slums, of course, but of racial ghettos, in order that the political power of the Negroes may be increased rather than diffused, and also as a way of developing race consciousness. Now, what's your feeling on that question?*

MR. HASSEM: Well, honestly, to begin with, I am categorically against integration, or integration to the extent where you must force Negroes into white areas.

MR. DOUGLAS: *Oh, no! I don't think anyone favors that. The question is whether Negroes wish to move. They should not be discriminated against because of their color. I don't think anyone wants forced integration. The question is whether the thrust of the Negro movement should be toward integration for those who wish to integrate or whether Negroes should be restrained by their own people to keep within the Negro community as such.*

MR. HASSEM: Well, historically, I think you've got to look at the problem in this particular way. I was born in Detroit, Michigan, and I know the type of areas that black people come from. I see no reason why a Negro lawyer or a Negro doctor should move out of this area. He should be concerned with developing this area, and helping the people within the area. What I am saying is that I know that in most areas, historically, the Negro area, especially the ghetto, has been largely inhabited by the crime element. These are the individuals that represented something to the Negro, the individual who was in vices of every sort. Not because he wanted to be, but simply because this is the only avenue that society allowed him to have. You had Negro doctors and lawyers, but in fact, they did not live in the Negro area, and as a result, the young children did not identify with these individuals that were good, responsible citizens within the community. This is what we want. We want the young children when they're growing up to see Dr. Jones across the street and know that Dr. Jones is concerned about their problems and wants to help them and wants them also to become doctors.

MR. DOUGLAS: *You can't restrain Dr. Jones from moving to a suburb, however, if he wants to do so, can you?*

MR. HASSEM: No, you can't. This deals, again, with what we call the racial psychology that exists here. I think to a large degree this can be eliminated.

MR. DOUGLAS: *What about building up greater employment opportunities? Now, the Federal government wants to do this, the state government wants to do it, the local government wants to do it, employers, I think, want to do it. In what ways do we fall down, in your judgment?*

MR. HASSEM: Well, this is an excellent idea. I think that employ-



ment here is good. It has been stated that in this particular city among youth, among black youth, unemployment is something like nine times greater than among white youth. But I think that employment will solve a great deal of the problem. The fact is, as you know in Chicago, the Negroes are idle on the streets, and as a result, that causes the type of incident we have. I think that people are in fear about seeking — they're not against the most qualified Negro. This is one of the problems. They are seeking a Negro, and a Negro that is qualified, of course, but seeking a Negro — and really truly sincere. . . . I mean, when this gentlemen here [indicating Mr. McClearn] talks about ten Negroes, and perhaps a few Spanish-Americans who apply for a position in the Police Department, I think it is simply because they feel in part that they won't be hired. I mean you have this negative feeling among people in the minority groups. I think Mr. Gonzales [referring to Rudolph Gonzales, head of the Crusade for Justice, a local political group of Spanish-surnamed] will attest to that.

MR. DOUGLAS: *Thank you very much. Yes? Did you have more to say?*

MR. HASSEM: Well, I want to bring this point out because this weekend — the fact is, various things happened this weekend that this community is not aware of, but I'm quite sure the Safety Manager is.<sup>1</sup> But the fact is, the problem is here, and for once we are getting to the grass roots people. They do have a spokesman. You see, the problem before was they never had a spokesman. Generally speaking, the NAACP [National Association for the Advancement of Colored People], which is a unique organization within itself, speaks for the so-called "bourgeois" Negro, and not for the mass of the blacks. As a result, they never had a spokesman before. They have a spokesman now, and we are trying to represent them. Thank you.

MR. DOUGLAS: *Thank you very much.*

## STATEMENT OF JAMES SAMBRANO

### Jobs for the Jobless

MR. SAMBRANO: My name is James Sambrano.<sup>2</sup> I'm chairman of the Southwest Action Council, which is currently in the War on Poverty organization. We represent the southwest part of Denver. I am one of the volunteer members of the organization; we have had a staff now for about two months.

We have tried to solve our problems by getting neighborhood people involved. We're just talking about the neighborhood; they may be middle class or lower class. The individuals become involved in

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<sup>1</sup> Refers to an attempt by some Negro youths to stage a protest rally demonstrating against the police shooting of a Negro in a parking lot. The rally was started off by leaders of the YEA project.

<sup>2</sup> Chairman, Coordinating Committee of Neighborhood Action Councils, Denver.

community problems. Just getting involved in neighborhood problems themselves constantly gets us involved in municipal problems, and this is what's happened to me. Besides being on the neighborhood level, here I am being asked to meet with distinguished gentlemen like you, and I'm at a loss.

Nevertheless, the involvement of the people themselves on the neighborhood level also has its facets: education, the economic training for employment. We find that our children and, in many cases, the young adults, have no opportunity to gain employment. There's no avenue for employment when a man has little or no training. Perhaps he dropped out of school. There are certain qualifications that the individual has to be a high school graduate. He dropped out. He can't qualify on that. The qualification itself automatically disqualifies him, or he disqualifies himself: "Oh, I can't qualify for that so I won't apply."

I think that perhaps they told you that some of the industry in Denver requires at least a high school education. Our children, the young adults, do not have that education. Consequently, the young adult is in the labor pool and he's looking and he feels that he's very limited so far as labor. We have an adult who is also seeking in the same labor pool, because we have migration from the rural areas.

In education, we have Head Start programs and various adult tutorial programs through the War on Poverty. And these are gaining in making the individual aware not only that he needs the education (and this is the individual who has been unemployed or underemployed) but also opening his eyes that perhaps he hasn't had an opportunity, but perhaps he can give his child an opportunity, starting from the age 3, 4, or 5, and perhaps his child will remain in high school and go on to the college.

MR. DOUGLAS: *What would you suggest that the community or the state or the Federal Government should do to get a greater degree of training? I think we have about a million youngsters now receiving special training courses and guidance. Do you have ideas how we can do the job better?*

MR. SAMBRANO: We have training programs here, and some of them fall flat on their faces.

MR. DOUGLAS: *Why is that?*

MR. SAMBRANO: Well, we had Job Opportunity Corps — this started two or three years ago. We started out, and that first programs reached out and took the unemployed and chronic underemployed individuals; they picked them up practically out of the street. Perhaps they didn't have sufficient staff to train these people, or were training them in areas where they would not be employed anyhow. It was just like trying to make a training program for washing machine repairmen. Even if you train a hundred people for appliance repairman, where are you going to place them? You are going to place them at Sears Roebuck, Montgomery Ward, some little small outlets, department store outlets, furniture store outlets. The placement is difficult.



This has been one of the reasons why some of these training programs have failed.

I think that perhaps private business itself knows where its need is in machinists or other areas where they need technicians. How much education do we need for these technicians? Can we go into the areas of underemployment? Are we able to train these individuals for this particular job?

But I think it's a cooperative thing for business and private and other interested groups to begin to reach into the ghettos, or into the tract areas that need the employment; we need to reach and get those people. There are private endeavors that are started, but they only reach a few people, so very, very few people. I think we need to get not only to the adult, but to the young adult, and it has to be a cooperative movement from business, and there's probably 3,000 or so businesses that hire people. They need technicians, they need machinists. . . .

MR. DOUGLAS: *Do you think the Federal-State Employment Service is active enough?*

MR. SAMBRANO: No, I don't. Denver Opportunity, our War on Poverty, tried to coordinate various agencies from Denver Opportunity, the Federal, the State, and this is almost a massive approach trying to get all these agencies just to cooperate with each other. They are trying to get communication between each department, and it's virtually impossible. Each one has its own set of standards. It's difficult working through the bureaucracy and bureaucratic red tape they have, you see. Here are the poor people looking for work, but manpower programs that they would like to have require training or job development of some sort.

MR. DOUGLAS: *It's very baffling. A number of places complain about the maze of facilities that are set up, but minority groups will not take advantage of them. Now, do you think there is any ground for that?*

MR. SAMBRANO: I think that minorities will take advantage of things. In the Southwest Service Center, we hired qualified people as coordinators, so they could manage it. Then we hired clerks and neighborhood representatives. These are people who go out into the neighborhood, who try to help individuals. These are not qualified psychologists or social workers; these are people who were unemployed. Now, they are trying to do a job on the grass roots level. The welfare workers, who are usually social workers with a bachelor's degree or a master's degree, are going out there in the neighborhood. When he gets out there, he talks to the people on the personal basis — what are your needs, or they tell him what their needs are. We try to reverse this thing, where they try to help themselves. In all of these agencies which have these services on the neighborhood level, the neighborhood representatives can come to these agencies and show them what the need is — whether it's education, health, employment. But we find that we again are stopped by the agency itself, whether you go to Denver Hospital or Denver Welfare.

MR. DOUGLAS: *What do you think are the needs? What do they tell you are their specific needs?*

MR. SAMBRANO: In a meeting with the youth themselves, they set up this YEA, with its youth employment program for the summer. Their big need among the young adults was that they wanted jobs. They wanted money so perhaps they could continue school. Some of the young adults had already finished high school; they were going on a part-time basis 'cause they figured they had to work full-time to go part-time to Metro. But they needed work so they could finance their education. There were other children who needed finances to finish high school. But this is primarily an employment problem.

MR. DOUGLAS: *You say there are not enough private jobs?*

MR. SAMBRANO: There are not enough jobs.

MR. DOUGLAS: *Not enough private jobs?*

MR. SAMBRANO: We have not heard of any. If they would reach out to the people who need the jobs — we're not going to be able to furnish them qualified people, let me emphasize that, in the sense they want qualified people. That's why these people are unemployed.

MR. DOUGLAS: *We've tried to encourage Neighborhood Youth Corps to work in conjunction with the city administrations on parks, improvement of facilities, and so forth, and there are several hundred thousand youngsters employed on those jobs during the summer over the country. Do you have the Neighborhood Youth Corps here?*

MR. SAMBRANO: Yes. Some of them are involved in the Youth Corps and some are involved in this YEA for Summer program.

MR. DOUGLAS: *But you say there are not enough jobs?*

MR. SAMBRANO: Yes, that's it.

MR. DOUGLAS: *How many jobs are there?*

MR. SAMBRANO: Oh. I'd say only about 1,200.

MR. DOUGLAS: *How many jobs do you need?*

MR. SAMBRANO: I would say we need at least 2,000 or 3,000 jobs in order to satisfy the children. Half the summer is over already, but nevertheless, we still have the need for jobs.

MR. DOUGLAS: *Of course, you know in Congress we have difficulty with people who try to cut down all these appropriations.*

MR. SAMBRANO: The people in the area have been very cooperative in going along with problems like this.

MR. DOUGLAS: *Would you favor expansion of the Neighborhood Youth Corps?*

MR. SAMBRANO: I think if it develops jobs, yes.

MR. DOUGLAS: *Well, that's its purpose.*

MR. SAMBRANO: But you can only ferret out a certain number of jobs out of the neighborhood's existing jobs. We need to develop. . . .

MR. DOUGLAS: *What I'm trying to say is that these programs are handicapped by the fact that Congress does not appropriate very much money for the Neighborhood Corps. They are caught with the small amounts which are given to them, relatively small amounts in comparison with need. What I'm trying to get at is whether you feel that the work has been of sufficient quality, has it helped the young*

*people enough, so that Congress should expand these appropriations? The earlier testimony today in support of the rent subsidies was very good, for instance, and we can use that.*

MR. SAMBRANO: I think it's necessary, because you can't give a young adult \$300 or \$400 a month for three months, and then all of a sudden drop the program, and he's back in the unemployed bracket. He doesn't have a job anymore, and he can't go to recreation to get a job, so he doesn't have enough finances to continue school.

MR. DOUGLAS: *Thank you very much.*

## STATEMENT BY KENNETH E. OBERHOLZER<sup>1</sup>

### Schools and Equal Opportunity

MR. OBERHOLZER: Senator Douglas, ladies and gentlemen. Let me state at the outset that Mayor Currigan said that the Denver situation is affected basically by the 20th Amendment to the Constitution of this State in that it created the City and County. It also created the School District. We are the only constitutionally created school district in the State of Colorado, and our boundaries are coterminous with the City and County. We are separate administrations, but we work very closely together in many of the programs.

In order to speak to you briefly, I'm going to speak extemporaneously, rather than from a written document.

I would like to take off from the statement of the last gentleman, because I agree with him most heartily. As a school man, I would say to you that the most needed related matter is employment for young people, and for older people, and particularly among the minority groups of our city. We have counseled with young people over the years and urged them to take educational opportunities and they in effect say to us, "Okay, but what good does it do me? I can't get a job."

Now, this is the basic fact with which we are confronted in our schools, and while economics is not the only ultimate objective of education, it is certainly a primary one. We've been working for all of these years, of course, Senator, as you know as a school man, in trying to help individuals to the best of our capacity to meet their needs and also to meet the needs of society. They're interrelated, but both are needed to meet the crux of the situation here.

The interest in the individual — in helping him to achieve his fulfillment — takes on different terms or labels through the years. The current term is "equality of opportunity," and it has a very special and deep meaning in our community as it has in others. Mrs. Peterson referred to about 25 percent of our population being of minority ethnic background; you should know that our school population, on the other hand, is about one-third. This is fairly typical in most com-

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<sup>1</sup> Superintendent, Denver School District No. 1.



munities in the public schools, and this year, it is said, that even in our school population, most of them are of Spanish-surnamed background, the next largest group being the Negro group.

I would like to call your attention to two studies that have been made here which we think are significant. One, made in 1964, is entitled "A Special Study Committee on Equality of Educational Opportunity," and one, made only this year — 1967 — is "The Advisory Council on Equality of Educational Opportunity." Both of the study groups were made up of citizens of the community from all walks of life, all areas of the city, and it was chaired by a citizen who was not associated with the schools. But we also had with it professional school people. Those reports have been very influential in affecting our programs in the schools, not only as to special programs relating to minority ethnic groups, but as to the total structure of our operation.

I would refer to two or three other topics. One has been mentioned — you have mentioned it — the rising costs of public education are very influential. This is my 20th year; I am retiring as Superintendent. Senator, when I came here, the budget was about \$12 million. The recent one is \$76 million. This is a rise of more than six times, whereas the school population has increased only two times. This is fairly typical, and a large part of that money is going into special programs to assist boys and girls who, for one reason or another, cannot achieve as we would like them to achieve.

The major problem that we face in Colorado and in Denver, as in many major cities, and you have alluded to it, concerns finance. It is the fact that in Denver right now, 79 percent of the support is local, 13 percent is State, and 8 percent is Federal. Now, we're very grateful for the innovations and for the variety of supports that the Federal Government has initiated. I would urge the support of the continuation of Public Law 874, with which you're very familiar, and some coordination of many of the other programs, however, which have arisen out of Congressional action, and, of course, out of a variety of supports.

As to the Economic Opportunity Act, we mentioned Head Start, and as the gentlemen stated here, we're participating in that, and in many other programs, cooperating with Denver Opportunity and with other Federal agency groups in Denver. I would emphasize the adult program which has been stated here. For the young adults and the adults, we have for many years had one of the pioneer vocational schools in the country, the Emily Griffith Opportunity School. We've worked closely with business and with citizens of this community. We have some 40,000 adults registering for work each year, and a current average enrollment of about 16,000. We have supported this, again, largely from local funds; we get little help from State or Federal. This is the citizens of this community.

We have many unmet needs. We are endeavoring to meet them as best we can, and among them the needs of the minority groups, with whom we have worked over a long period of years. Not as effectively



as we would like, but we would like to do a better job here, too, with their assistance and cooperation. There has been, here, a lack of communication, I'm sure, as there has been in other areas. Not because of an unwillingness to try to communicate, but perhaps ineptness and incompetence. Certainly we try.

## Metropolitan Youth Center

We have instituted a new center that I would call to your attention: the Metropolitan Youth Education Center, which is for young adults 16 to 25 years of age. We have about 1,000 currently enrolled. We have two places, one in Jefferson County and one in Denver County. This is a type of metropolitan cooperation. There are others that we should be in, but this is in the future. Again, these two centers are largely to help people get employment, and I suppose our two centers, that is, the adult school (the Emily Griffith Opportunity School) and this Metro Youth Center, are responsible for more people getting jobs than any other institution in this city.

We have in our city, as in many other places, problems relating to school buildings and school facilities and equipment. We're growing, as other cities are, not as rapidly as some. We have new areas that need schools; we need to replace older schools. We have the typical problems of other cities, perhaps not to the extent that the Midwestern and Eastern cities have.

There are two other subjects that I'll mention very briefly. One, metropolitan development alluded to here in terms of education is one of the growing and frontier developments that need to be looked at. We have two efforts that have been going now — one for a long time and one for a short time. One is the Rocky Mountain School Study Council, which is an effort to cooperate among all the school districts of the area, centered at the University of Denver; and more recently, a Council of Superintendents of Schools of this area. We are engaged now in what we think is one of the significant research efforts looking at cooperation and metropolitan development of educational opportunity.

I would close in the interests of time by stating to you that overshadowing all of this, Senator — I think it's reflected in our budget, reflected in a greatly increasing variety of programs — is the rising expectancy of people as to the function of education. This is at once an opportunity and also a great burden and problem. This is true not only of minority ethnic groups; it is true of the majority ethnic groups as well. Therefore, we need assistance both from State and Federal governments to meet our needs. We are endeavoring to do our best. I would agree with those who have spoken before: we still have many unmet needs; many problems.

We appreciate very much your presence and your assistance.

MR. DOUGLAS: *Thank you very much, Mr. Oberholzer. That's a very splendid statement.*

## Model City Drawn By and For the Poor

MISS KURTZ: I am going to summarize briefly Denver's Model City Program which we hope to have funded, but which is not yet underway.

Denver is unique in that it has five major cultural groups concentrated in the core of its poverty area: Anglos, Spanish-surnamed, Negro, Oriental, and American Indian. The first three comprise the overwhelming majority of the Model City Neighborhood population. Thus, Denver affords a singular opportunity to measure the relative effectiveness of various programs among the different cultures. In such fields as education, employment, health, and the like, we can determine what program adaptations are needed for each group. A highly sophisticated evaluation program will be conducted by the University of Colorado, if Denver is designated.

Like other major cities, Denver found, in compiling the statistics indicative of the poverty culture, that no one thing can be singled out as the cause of poverty. Our target area is one in which unemployment is more than twice the rate in the city, in which half of all arrests occur, in which more than one-quarter of the dwelling units are substandard, and in which at least one adult in four is a functional illiterate.

The poor are not aware of their problems. We asked the five Denver Neighborhood Action Councils to advise us of what they, as the elected representatives of the poor, considered to be their problems. The result was a seven-page document which showed some profound insights into the nature of the poverty culture. This has been reproduced in the Denver Model Cities Application.<sup>2</sup>

We deemed it our responsibility to devise possible solutions as broad as the problems, without any reference to the traditional concerns of departmental organization, legal lines of responsibility, or funding practices. In the devising of these program components, we had the participation of hundreds of people, some as individuals and

<sup>1</sup> Project Director, Denver Model Cities Application.

<sup>2</sup> The recommendations made by the Neighborhood Action Councils dealt with such subjects as employment, housing, and neighborhood services; public services—including social services—education, transportation, health and welfare facilities. Design, as applied to buildings, was included, with the observation that buildings should be "easy and inexpensive to maintain," and should "survive for ages." In this connection, grants and low-cost loans for neighborhood churches were mentioned. The element of public participation, recognized by the Councils as most difficult to achieve, was strongly pleaded for with this observation: "The giving up of power by the [erstwhile] rulers and decision-makers and the acceptance of some power and its attendant responsibility by the people will be the end product. In between lies the stumbling, the slow learning process, self-restraint and self-discipline, the commitment to patience and helpfulness in spite of repeated mistakes, etc., and the strength needed to meet the challenge to permit growth through this unusual route. Participation as defined by us means, not token representation and rubber-stamping by the people, but their maximum involvement in the deliberations and decision-making. In other words, people do count."

some as representatives of organizations. The matching of program concepts with the needs outlined by the Neighborhood Action Councils resulted in the program proposals of the Denver Model Cities Application.

Once the proposal was formulated, we went back to the participating groups to ask if they would continue to work with us on planning, if Denver is designated. Appendix 8 of the Application contains 43 letters from organizations pledging their cooperation; others were filed separately at a later date. This mobilization of community resources represents such widely diverse private groups as the Denver Labor Council, the Religious Council on Human Relations, the Denver Public and Parochial Schools, the Colorado Open Space Coordinating Council, and the Denver Chamber of Commerce. Governmental coordination is represented by agreements from a variety of independent city boards and commissions and a number of state agencies, most of which are not responsible to the Governor. Civil rights groups as such reviewed the proposal, but requested that they not be asked to sign agreements to cooperate since they wanted to be free to offer constructive criticism. This desire was honored.

A corollary to the decision to ignore traditional governmental red tape was the decision to attack the multi-faceted poverty problem on a comprehensive basis. This in turn led to several major principles: (1) to build on the existing programs; (2) to bring the services to the people, in a geographic sense; (3) to reduce the more terrifying aspects of dealing with the professional personnel, through use of such techniques as store-front locations, numerous indigenous aides, and grouping of multiple related services; and (4) to recognize and utilize the high degree of interrelationship among the various services; or in other words, minimize fragmentation of services.

From the standpoint of the city, the exercise of preparing the Model Cities application has made clear to our officials the need for more sophisticated budgeting and for governmental reorganization the better to provide services, although I might add that Denver is one of the better organized local governments in the United States.

Denver feels that the purpose of the Model Cities Program is to solve the problems of poverty, not to create bigger and bigger government. We believe that one of the principal benefits of such a program will be the reshaping of our own community programs and activities to minimize needless duplication, costs, and confusion. We have, accordingly, proposed to evolve the plans for our Model Cities Program with only seven new employees, of whom four are clerical and two are assigned to budgeting and fiscal control. Our program, if granted, will be under the direct control of the Mayor and City Council, and will depend heavily on the participation of existing staff in both governmental and private agencies. In addition to the fiscal savings of such an orientation, we feel that the lessons to be learned from a Model Cities Program will be of great benefit to the personnel who are charged with the responsibility for the subject matter areas. The



programs, if successful, can become a permanent part of Denver's organization and resources for coping with the problems of poverty.

As a final word, I want to commend the Economic Development Administration for its promptness and insight in filling a gap in the Demonstration Cities Act. In our studies, we found that there was no authorization in the Act for an economic development program to develop jobs for persons of low skills. It does little good to develop a trained but unemployed labor force, and in Denver, we found that this summer alone, we have 13,000 youngsters looking for work, and only 3,000 jobs for them to fill. EDA recognized this type of problem, and has made a grant to Denver to develop plans for its solution.

## STATEMENT OF LEE TIPTON <sup>1</sup>

### **Business-Industry Role in Job Formation**

MR. TIPTON: I'm the Manager of the Forward Metro Denver program. It's a pleasure to have you here this morning. Senator Dauglas, we're delighted by your presence.

This Forward Metro Denver program started three and a half years ago as an idea by a group of Denver businessmen who were on a trip to Los Angeles, sponsored by the Air Force. There they saw the bustling activity of that southern California area, and were quite smitten by it. Unfortunately, as they looked back home, they found some economic indicators that were quite distressing. In State and local government, we were showing quite an increase in employment, and in services and miscellaneous, we were also growing a lot in employment. However, these indicators showed that we were flattening out in our growth curves in wholesaling and manufacturing. So, in industry that would support an entire community, we found a lack of growth, or a flattening out at best. In what might be classified as overhead jobs, we saw a rather skyrocketing increase here. Well, certainly, those basic indicators foretold trouble in the years ahead.

The Forward Metro program was funded with a million dollars raised entirely by voluntary contributions from the business community, and it was funded for three years. It is certainly an action program. The various fields attacked by the program are as follows:

(1) Transportation, with a fund of \$100,000. Our particular interest was in getting additional airline service into Denver and connecting with other parts of the country. As we moved along, of course, we undertook additional tasks in transportation.

(2) In the case of tourism and conventions, we've allocated \$60,000, because we know that these activities bring imported dollars into our community. We have a new Convention Center under construction now. We have a tourism study, statewide in scope, supported by the Federal Government as well as our own funds, to measure the

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<sup>1</sup> Manager, Forward Metro Denver program of Denver Chamber of Commerce.



economic impact of tourism on the State, and of course, to encourage the businessmen to address themselves to the opportunities within these studies.

(3) The next funding is in governmental affairs. Here, we recognized that our State didn't have all of the proper ingredients for industrial growth. We've attacked this problem. Along with other groups, we have established a lowering of inventory tax, and other things, of course, that are helpful.

(4) We have also looked at our metropolitan situation. Whereas in other cities you find many overlapping activities of economic development, we're working together in this field.

(5) The largest allocation was for telling the Denver story: \$500,000. This again was designed to create jobs. We've gone into an extensive advertising program, the development of brochures, and other material that's mailed out. The Center in which we are sitting today was funded by this particular part of the program.

Now, the biggest part of our activity at the present time is the creation of jobs — the very things that the people in this group are asking for today. In this direction, we are spending \$200,000. Our specific goals are the creation of 100,000 new jobs in the five-county metropolitan area by 1970. That's based on a starting figure of 353,000 existing jobs, so you can see that's a pretty handsome percentage of growth. Out of these 100,000, we know that approximately 25,000 would be in manufacturing, where we devote the major portion of our effort.

As with any program, it's fine in its outline and its concept, but we know that only the results count. This program, as I mentioned to you, started about three years ago. We've had three years of operation and, of course, our goals were established for 1970, so let me tell you just where we have gone in this period of time.

With respect to jobs in manufacturing in the five-county metropolitan area, starting in 1958 with about 50,000 jobs, we grew rather rapidly, but leveled off at 70,000. I pointed out this leveling off earlier, and that trouble could be seen on the horizon. Well, trouble did come. These jobs nosedived down to 58,000 in about 15 months, so that about nine months after our program started, we found ourselves at the bottom. Since that time we have come back up. We're now at 72,000, and we feel very confident that we will be able to reach our 75,000 goal. So much for manufacturing jobs.

Let me just tell you about total jobs in the five-county area; that is, total nonagricultural jobs. Here again, you see a rather steady growth; it flattened out a little bit, but now it's coming along very well. At the time our program started, we had about 350,000 jobs in the five-county area. We're now at 398,000, so we're coming along.

We devote our efforts in this program to manufacturing jobs, not just jobs *per se*, but jobs of excellence, so that we can pull this community up, create these jobs which in turn bring about the service jobs and, we hope, let the business community provide jobs for the people in this great area.

MR. DOUGLAS: *Where have your areas of growth been?*

MR. TIPTON: That is very interesting. In the 70,000 that fell down to 58,000 and rose again to 72,000, we're had quite a shift. When we had 70,000 jobs, there were 19,000 in ordnance or defense. Today, we have 10,000 in ordnance. The big growth has been in the area of machinery, both electrical and non-electrical; highly sophisticated machinery, such as IBM and that type of industry; Ferroxcube, and a number of others of this general type.

MR. DOUGLAS: *Not defense industries?*

MR. TIPTON: Not defense industry. By the way, we could complain a bit about this. In 1962, the Defense Department had \$565 million worth of contracts in this area. In 1964, that fell to \$249 million. Now we're back to \$255 million. But we've not gotten our share of the defense budget.

MR. DOUGLAS: *But you feel your base is now more firmly established?*

MR. TIPTON: We have a broad, diversified base that will not be affected by these wide fluctuations we've had before.

MR. DOUGLAS: Thank you very much. If there are no further witnesses or questions — and apparently there are none — let me thank all of you who have attended and participated.

## SUMMARY OF DISCUSSION WITH DR. DAVID L. COWEN <sup>1</sup>

### Bringing Health Care to the People

DR. COWEN: In the administration of health care, the City of Denver has problems similar to those in any large metropolitan area. These may be briefly summarized as (1) antiquated, inadequate hospital facilities — particularly inadequacies of equipment and space, and (2) unavailability of the facilities to the people they should serve. This unavailability is partly a problem of transportation, partly a problem of education, and partly a problem of the long-standing reputation of a "city charity hospital." Denver General Hospital also has the usual city hospital problems — long waiting lines, and the charge of lack of consideration for the feelings of patients as well as of the families. Another problem can best be described by the commonly heard complaint: "I never see the same doctor twice."

Denver's answer to these problems is the Neighborhood Health program. In this, we have decentralized to bring health care to the patient, rather than the patient to health care. This is implementation of comprehensive health care in its broadest sense; i.e., including all health disciplines, the whole family unit, and the one patient-one physician concept. We have developed an extensive program of

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<sup>1</sup> Manager of Health and Hospitals, City and County of Denver. (His remarks here are a summary of those he gave the Commission during an inspection tour of the Neighborhood Health Center.)

patient education to bring the value and availability of health services to the consciousness of the disadvantaged.

The administration of these services will be through two Neighborhood Health Centers, such as the one Senator Douglas inspected, the outpatient department of Denver General Hospital, and an additional 11 health stations. These stations are best described as small, general practice institutions located within walking distance of the patients' homes. Referral from health station to health center or hospital environment is made on the basis of need, with transportation provided when necessary.

Distinctive elements of the Neighborhood Health Center services deserving of mention are:

(1) The use of indigent people as subprofessional help, and the training of these people directly on the job.

(2) The development of specially trained nurses to function as medical assistants at Neighborhood Stations, and in special areas within the hospital and other environments.

(3) The development of community cooperation as manifested by the integration of the University of Colorado, Childrens Hospital and Denver General Hospital as backup facilities.

(4) A community mental health center project, involving Denver General Hospital and the Neighborhood Health Center program.

The Department of Health and Hospitals also has contemplated serving other badly needed health programs, many of them intimately involved with the proposed Model Cities program. Briefly, they can be summarized as including:

(1) A comprehensive, diagnostic center. This center would provide diagnostic facilities to institutions, preventive diagnostic services to all segments of the City of Denver, and diagnostic services for the police, social work programs, etc.

(2) An intensive treatment program for chronic alcoholics involving an enlargement of the treatment program already existent at Denver General, which has been surprisingly effective. It would also involve a detoxification center integrated with the police and the courts, as well as a retraining program for reentry into society.

(3) An intensive program for the prevention of mental illness by early detection and treatment of acute psychiatric problems in the home, on the job, and in the schools.

(4) A comprehensive mental health service to children. Currently, less than 10 percent of the children in the Denver area who have mental problems are adequately diagnosed, and only a small percentage are treated. The goal of the program would be to prevent adult mental illness by treating the illness during childhood in an adequate manner.

(5) Development of an aftercare facility program in Denver. This program is designed to come to grips with the long recognized problems of nursing and boarding homes, but is also designed to develop

alternatives to hospitalization and to come to grips with the rapidly rising costs of medical care.

MR. DOUGLAS: We are very grateful to you for what you have shown and described. I want to thank all of the Denver witnesses for their very useful presentations.

(Adjournment.)



# Atlanta

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Commission Members Present: CHAIRMAN PAUL H. DOUGLAS, JOHN DEGROVE, ALEX FEINBERG, JEH V. JOHNSON, RICHARD W. O'NEILL, RICHARD RAVITCH, CARL E. SANDERS, MRS. CHLOETHIEL WOODARD SMITH, TOM J. VANDERGRIFF, COLEMAN WOODBURY.

*In Atlanta, pioneer in providing public housing, the Commission's attention was drawn to current issues in the entire housing field—financing as well as fabricating by new methods and technology, especially for the low-income family. Mayor Ivan Allen, Jr. devoted the major part of his luncheon address opening the hearings to Atlanta's progress and problems in the housing area.*

*Parliament House Motor Inn  
Atlanta, Georgia  
Luncheon, July 20, 1967*

## HOUSING FOR LOW-INCOME FAMILIES

GOV. CARL E. SANDERS: As a member of the Commission and as the local host, I would like at this point to present to you the chairman of the National Commission on Urban Problems, and give him a few minutes to tell you what the Commission has been doing.

I would like to present to you—all of you who are not on the Commission or members of the staff—a very distinguished American, one whom we all know, love, respect, and admire, and who is devoting a great deal of his time now in helping this Commission formulate its policies and determine the type of report that must be made—a man who has been recognized through many, many years as one of the outstanding Americans, one of the outstanding U. S. senators, and one who, I feel, just as I'm sure you feel, will continue to be looked upon as one of the great men of this country.

I present to you the Chairman of our Commission, the Honorable Paul H. Douglas, former Senator from the State of Illinois.

## Purpose of the Hearings

MR. DOUGLAS: Thank you, Governor Sanders.

Mayor Allen and friends, I shall comment relatively briefly today.

I do want to say how deeply appreciative we are to the Mayor and to the Governor for honoring us with their presence and helping us with their cooperation.

The State of Georgia has produced over a time a great many magnificent statesmen who have contributed so much to the Nation. We have also had a special softness in our heart for the City of Atlanta. And we are deeply appreciative of the fine service the Governor rendered when he was Chief Executive.

For the benefit of the radio and television audience, I may say that our Commission was set up both in accordance with an Act of Congress, charging us to investigate codes, zoning, taxation, development standards and low-cost housing, and also by a subsequent announcement by the President, charging us with broader responsibilities in the whole field of urban problems, so that we have a mandate which is specific in part and, in part, general.

We have held hearings thus far in approximately ten cities of the country. We expect to hold hearings in approximately ten more. We are going next week to Detroit. Following that, we will go to Texas and hold hearings in Houston and in the City of Arlington. We have the distinguished Mayor of Arlington, Tom Vandergriff, with us, who has been a magnificent member of our Commission, and we can say that we chose the City of Arlington not merely because of Tom, but also because it was halfway between Dallas and Fort Worth.

We have lots of issues before us. I don't think we have any settled results, as to what we are going to recommend. I can say that the Commission has worked very hard and we are very delighted to have the Governor with us.

As you are well aware, cities in the metropolitan areas have now formed the predominant part of the Nation. Approximately two-thirds of the population of the country reside in what are called Standard Metropolitan Statistical Areas: at least 130 million of the 200 million Americans. Slightly less than half of these are in the central cities, and slightly more than half in the suburbs.

I have found that our rural population was slightly over 30 million in 1940 and was only a little over this in 1965. The migration has gone in the main to the central cities and to the small towns and small cities adjoining the countryside. This has produced great problems, I assure you, everywhere — not merely in Atlanta, but in every major city that I know of.

Into the cities have poured large numbers of people from the country, both black and white, poor, needing welfare, and especially needing education. Great pressures were put upon the cities to provide these services, when at the same time, as we all know, many of the more affluent whites were moving out, diminishing the residential tax base.

I think we must all work together on this issue — blacks and whites, suburbanites and city folks, state governments and city governments, and the national government. And while we have no calculated idea

of the degree to which we can effect fundamental change, we do hope that we can raise a standard to which, in the words of George Washington, "the wise and honest may repair."

Let me again thank the Governor for his words. Let me thank the Mayor for coming and speaking to us, and I may say that I have admired him ever since the historic day he came up to the Senate and gave some very brave testimony.

MAYOR ALLEN: Thank you, sir.

MR. DOUGLAS: I'm sure that I speak for all of us in expressing our gratitude to this man. Thank you very much.

MR. SANDERS: I want to thank Senator Douglas for his very kind and complimentary remarks about our State and our capitol city. I want also to recognize at this time a man who has helped make this meeting possible, Dan Sweat, Assistant to the Mayor of Atlanta. He has been very helpful in planning this particular meeting.

It's been my privilege for a number of years to know the Mayor of Atlanta as a personal friend. In fact, I first got to know him, not in politics, but in the work of the Boy Scouts, in which he has been very active all his life. Following that, of course, I learned to admire and respect him in the field of government.

I don't know of any experience in my life that was more enjoyable than working with the Mayor during the four years that I was Governor of this State. So I am delighted to present to you a man who I feel is recognized not only in the City of Atlanta as a great Mayor, but one who is recognized the length and breadth of this land as one of the great mayors of our country, the Honorable Ivan Allen, Jr.<sup>1</sup>

#### STATEMENT BY MAYOR IVAN ALLEN

MAYOR ALLEN: Ladies and gentlemen, I am indeed delighted to have an opportunity to make a few brief remarks before this Commission. I thank Governor Sanders for a very generous introduction and extend a very warm personal welcome to Senator Douglas as he comes to Atlanta as head of the Commission, which has the responsibility of delving in depth into the urban problems of America today. Certainly, in any one of the 25 major cities and in a host of other American cities, this Commission can see firsthand not only the broad spectrum of accomplishments but also the almost unlimited problems that we are confronted with at the present time.

If you can, try to conceive of a business that has absolutely no control over its input. This is the case in the cities of today, into which thousands of people are moving each year — not only into the Standard Metropolitan Areas that the Senator spoke of, but the center core cities where there is no control over the input.

And while we have no control over the input whatsoever, we must confront the problem of furnishing reasonably adequate facilities and

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<sup>1</sup>Forty-fourth mayor of Atlanta, in second term of office. Business executive credited with launching Atlanta on its present period of great economic development.

services to take care of the vast hordes of people who come to us untrained for living in cosmopolitan areas. Most of them are extremely poor, with very little education and almost always lacking in family background. Principally, the rural area is where there's been a shortage of healthy living conditions, where there's been a shortage of housing, shortage of education, where all of the things that make up city life have been denied in many instances. These people have come to the city because here is the eternal hope of jobs, of income, their hope about a place to live, more adequate education, more adequate religious facilities and entertainment.

I asked five young ladies the other day at the opening of one of the car rental services in Atlanta — "You five young ladies all appear to be from around Atlanta. Where are you from?" One of them was from Griffin, one from Albany, one from Athens, one from Jefferson, and one other from somewhere else. I asked, "Why did you come to Atlanta?" I was asking sincerely.

Well, these were educated young people, and yet they had all moved here for job opportunities, and they found jobs here. But this is not our problem. Our problem is the host of people who move here who have not had the privileges and opportunities of education, but who come with the hopes that they are going to find a better way of life. This is the problem of the cities today.

## City Boundaries Hard to Expand

The problem is being accentuated in the South by the segregated practices of the past. This is significant today in Atlanta, where we do not control the input whatsoever, and yet we do not have an opportunity to expand our city limits except under very laborious and old methods — Senator, you're familiar with this — which make it almost impossible for us to provide adequate living space.

Today in this city, out of 180,000 residential structures, including apartments and multiple dwelling units, we have approximately 17,500 units where people are living that actually are classified as unfit for human habitation.

How did they get here? Well, there was a time when anyone could build anything without any restriction on any piece of ground in the city or elsewhere, and what they built was rented to the poor. There were no standards of living. There were no standards of housing.

Actually, as I said, we still have some 17,000 of these unfit-for-human-habitation establishments that must be cleaned up. It can't be done solely on a local basis. Obviously, the need for a minimum national housing code is very apparent, and it will come in this country before many years. Uncle Sam will recognize that every American citizen is entitled to a decent place to live, and will provide a minimum housing standard, and we will get about our business of clearing out the slums.



## Housing Greatest Problem

As we look at these 17,000 places that are unfit for human habitation today, where people are still living out of necessity, we have to look at the overall picture of where we have come from and we reach this point. If you trace the pattern of this city, which is an example of many other American cities, there are 9,000 public housing units in Atlanta today. This is probably one of the highest percentage rates of public housing in any of the cities in the Nation. I think it is the greatest number of public housing units in any southern city. And in these 9,000 public housing units, which are clean and modern and maintain standard living conditions, reside seven and a half percent of the total population within the corporate limits of the city of Atlanta.

Let me say that the rate of juvenile delinquency is almost nonexistent in these units. The rate of crime is extremely low as compared to the slum areas, and lower than in the balance of the city as a whole. And we have found that where we have taken the lowest income group and managed to put them into the standard minimum public housing units, we have been able to almost instantaneously raise their standards of living.

Atlanta is continuing its pattern of trying to provide a large number of public housing units. We have under construction 600 units in the McDaniel Street project. The housing authority is carrying on an accelerated campaign to provide additional facilities of this type, but this is only a small segment of the whole picture.

Since 1958, when through a constitutional amendment we gained the right to have urban renewal, the city has wiped out some 3,000 acres of slum property. This is mostly on the periphery of the central core, which is known as the gray area in most American cities, and is encircled mostly by Negroes in former residences of white families who have moved farther out or entirely out of the city.

We have cleaned out some 3,000 acres in some 12 major urban renewal projects, and some 20,000 families have been moved into either standard or only slightly substandard living conditions — vastly improved over the slums they were in.

Through the insistence of the Federal Government, which has had programs of broad vision and understanding of what cities had to do about six years ago, we went into a very strong program of city planning and total code enforcement. Obviously, with this great host of new citizens moving into the cities without possessing the qualifications needed to live by big city standards today, very strong efforts must be made to accustom them to living in the city and maintaining standards.

And here you find a relatively new concept in America today: that is, the right of governmental units to declare certain minimum standards necessary for the lives of people.

We are making great strides in our efforts to maintain a high standard of living. Of course, we are always confronted with the grave

problem of competitive status in the municipalities as well as in the counties surrounding Atlanta.

The standards of our suburban towns and counties are not anywhere near the standards of total enforcement, nor of the minimum housing standards that exist in the central cities today, and we are confronted with the competitiveness that people can build with lower standards and often more opportunity in the suburbs.

We simply cannot impose as vigorous standards as we would like, and as we would be able to if we had a regional or a national minimum housing standard act that would require all people to live under decent circumstances. Of course, this is what we will come to.

If someone asked me two years ago what the problems of the City of Atlanta were, I could sum it up briefly by saying, "Slums, transportation and sewers."

The sewers include water pollution control, which is obviously something pretty new in this section of the country. We took out of the rivers and threw back as we chose, and now we are having to correct those deficiencies. The city center has had to add a 50 percent sewer service charge this last year to its water bill. During the next five years necessary and adequate sewerage and water pollution control measures will be provided to bring our standards up.

But the problem of the housing conditions still exists. It is a very simple one in terms of figures — 180,000 units — approximately ten percent of them so far substandard, and something must be done about it.

We issued only 2,200 permits in the city last year for new housing units. Very few of these were low-income housing. We figure low-income housing is somewhere under \$75 a month rent, and obviously we have had to step up our effort to fill the deficiency of low-income housing.

Frankly, we recognize, as every city does, that our problems in these areas of low-income housing are multiple. They are problems of adequate housing, adequate education, and adequate jobs. Of course, there are 100 secondary problems that go along with these. But housing, jobs, and employment opportunity will basically solve the problems of the slum areas today. We have to confront all three of them and do something about them.

But the basis of decent living depends on minimum housing standards. Therefore, we have set forth in Atlanta a five-year campaign to try to build 17,000 units of low-income housing. Right now, it looks like we have got about 5,500 units pretty firmly started. They come about through grants to build additional public housing units and primarily through 221<sup>1</sup> and FHA mortgage loans.

We are going to have to use all of the facilities to run the whole gamut in order to get it done. This doesn't mean that we are building just 17,000 low-income units, because all of the middle-income

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<sup>1</sup> Sec. 221 of Housing Act of 1961, designed to aid the private housing industry in providing housing for low- and moderate-income families and displaced families.

and high-income units must also be built in order to have a sufficient supply of units for people of all economic levels to live in.

We think that this is basically one of the most important — if not the most important — thing that has to be done inside the city during the coming five years. It must always be kept in mind that with 180,000 units of housing here in Atlanta, somewhere around 3,600 of them are actually being wiped out each year just at the annual depreciation rate of two percent. Housing structures, particularly in the low-income group, will not last over 50 years.

While we are losing 2,500 to 3,500 units each year, we must raise the standard in additional numbers sufficient to come up with 17,000 new housing units in the next five years. This is Atlanta's problem.

We don't think that we can solve it without your understanding of the need of housing units in the metropolitan cities today, and we don't think that we can solve it without added impetus and dedication on the part of the Federal Government, which has moved very positively into the area of housing in the city.

We don't think that we can solve this problem unless there is a greater dedication on the part of the Federal Government to do something about it. Goodness knows, it's a national problem — having all these people moving from the rural and small town areas into the city — and they are coming here from all over the Southeast and all over the Nation. Therefore, this is a national problem.

## **Model Cities Program a Must**

The Model Cities Program is an absolute necessity from Atlanta's viewpoint. Let me touch briefly on what we mean by the Model Cities Program.

Dan Sweat is the city coordinator. We have selected an area which you will probably see this afternoon in your tour. It is an area in which a host of today's prominent Atlantans were born 50 and 60 years ago. The Haverty family was born in this area. The McRae family, a very prominent medical family here in Atlanta, was born over there. My mother was born in the area, also.

This was Atlanta's great old residential area 50 years ago, but it's been going downhill ever since. There are 3,000 acres on the southeast side of Atlanta in which some 47,000 people now live. It's been through the throes of transition. It was 100 percent white 50 years ago. Today it's 70 percent Negro, primarily low-income families. It's bordered by the city in its economic growth on one side and by central areas on the north and on the south. We are trying to take the Model Cities Program, if the Congress will see fit to appropriate sufficient funds, and make this an ideal place to live without the people moving out of it and being subjected to problems of trying to find another place to live.

We are going to utilize the Model Cities Program. We are going to utilize, we hope, what will be the rent supplement program, which



we need very badly and which has some very strong benefits to the city and city living in it.

We are going to have to utilize all of the broad financial programs of the Federal Government, including public housing and the 221 (d) (3) <sup>1</sup> and FHA mortgage loans to get enough of this type of housing built. This is the hope of the city, gentlemen, that you will see that we have grave need of improving the living standards of the people who live in these complex areas.

I hope this afternoon, as you ride around, you will also see some very strong residential neighborhoods, both white and Negro, because in the day when cities were entirely segregated, Atlanta built and developed, as a result of a very strong and vigorous Negro community here that had vested wealth, a very strong neighborhood on the west side of the city. I doubt that anywhere in America will you find a finer Negro residential neighborhood than the Collier Heights section, which you will probably go to this afternoon.

## Atlanta's Negro Population Large

Let me touch briefly on racial problems, which is always a part of the housing condition. Atlanta has one of the very highest rates of Negro population of the 25 largest cities. Of the 25 cities, Atlanta has the second highest percentage of Negro population — only Washington has more. The present total is 45 percent.

You will find the residential pattern slightly different here from what you find in New York and Chicago, where Negro citizens were moved into entirely old white neighborhoods, and you have great problems of density. The problem of density here is not quite as great as it is in those areas. You will find here that it's been more spread out. The primarily Negro residential neighborhoods run all the way from the northwest section of the city down through south of Five Points, all the way out into the southeast section. They comprise a substantial part of the residential living space of the city today — not a proportionally equal amount, but a substantial part of the residential section.

We have proof of a better residential section within the Negro communities than most cities. This comes about primarily because we have here six great Negro institutions of learning.

We have Atlanta University, Morehouse College, Morris Brown College, Clark College, Interdenominational Theological Center, and Spelman College. As a result, we have a major Negro business community. Even in the segregated days, we had a strong Negro business community — daily newspapers, banks, member of the Federal Deposit Insurance Corporation and Federal Reserve Bank System, building and loan associations, chain drugstore operations, and hundreds of registered Negro real estate dealers.

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<sup>1</sup> Section 221 (d) (3), National Housing Act of 1961, as amended. FHA mortgage insurance for low-cost one- to four-family housing, at below-market interest.



We have had a full segment of a Negro business community, which frankly doesn't exist anywhere else in the country. They have vested wealth and conservative interests to develop a strong residential pattern in the neighborhood, and you will see this, too.

The cities, of course, are suffering the throes of transition. Every year in Atlanta, there are about 200 to 250 blocks of what previously was an all white neighborhood, where one or more Negro families move in and then we go through the throes of frightened people moving out and others moving in. This we haven't yet solved, nor has any other American city.

You will see on the southwest section of the city a vigorous effort by civic and community groups to try to organize a pattern of not running, but of trying to solve the racial problems as they come up by remaining in the area and establishing good race relations.

All of these things are major problems of the cities today. But what I say to you, gentlemen, without any hesitation, is that the problem of housing, under the leadership of the Federal Government, must be met in the urban centers today. We need not only the present programs that come under the Housing and Urban Development Department, but goodness knows we need a more complete dedication on the part of the Federal Government to the responsibility for housing problems of the city. I urge your favorable consideration of it.

I generally get a chance to talk after having been served lunch. Today I have had to talk before lunch, so I am a little in doubt about what we are going to get to eat, but thank you very much.

MR. SANDERS: Thank you very much, Mr. Mayor, for your remarks. We appreciate your coming over here today and being with us. We appreciate this splendid presentation.

(Following luncheon, the Commission members and staff inspected many of the city's public housing and urban renewal projects, non-profit housing projects and other residential and downtown neighborhoods.)

*John O. Chiles Home  
Atlanta, Georgia  
Morning, July 21, 1967*

## HOUSING: PUBLIC AND OTHERWISE

MR. DOUGLAS: The Commission has heard your Mayor, Mayor Ivan Allen, Jr., who is known to the whole country as one of the ablest city officials in the United States.

This noon we are going to hear from a distinguished citizen, Mr. Ralph McGill, whom I regard as one of the most constructive citizens in the country and whose views concerning the great issues of our day have an influence not only here, but also far beyond this city and state.

May I say that one member of our Commission is the former Governor of your State. We expect him to be here in a few minutes, and I'm going to ask him to preside over these hearings.

I may say Governor Sanders is a most welcome addition to this Commission, which must concern itself with the way local, state and Federal governments have in part helped to provide the solutions for our pressing metropolitan problems.

I also want to say that we are very happy to have as a member of our staff, a former Atlantan, Mr. Walter L. Smart, who is the director of family relocation for the Boston Redevelopment Authority and who has done extremely good work in the fields of housing and community relations. Mr. Smart has done his undergraduate studies at Morehouse and received his Masters at the Atlanta University.

We want to thank the members of the panel for coming to testify. The method of procedure will be for each one to make a statement. When all three have finished, the Commission will ask the members of the panel questions. We have Mr. M. B. Satterfield,<sup>1</sup> who is Executive Director of the Atlanta Housing Authority; Mr. Cecil Alexander, Chairman of the Mayor's Housing Resources Committee, and the Reverend William Holmes Borders.

#### STATEMENT BY M. B. SATTERFIELD

MR. SATTERFIELD: Mr. Chairman and members and staff of the Commission, I am M. B. Satterfield. I am Executive Director of the Atlanta Housing Authority.

My connection with public housing started when I went with the Housing Division of PWA [Public Works Administration] in 1935, when Colonel Horatio Hackett was Director. This seems to qualify me as a public housing fossil.

The metamorphosis of public housing since 1935 has been great indeed. From direct Federal ownership to local authority operation, from slum clearance project sites to open land or sparsely occupied land, from rowhouse to high-rise, from all-Authority-owned to leased private housing, and on and on. There never has been a time when public housing has not been the object of manifold criticism. It was objected to for being socialistic, for being institutional, for housing "undeserving" families, for stultifying individual initiative, and many other things.

Despite all of the criticism, a considerable part of which was warranted, I am convinced that on the whole it has been a success. When we view the social problems of our urban areas today, and we compare public housing neighborhoods with nonpublic housing neighborhoods occupied by low-income families, we can often see what a resounding success it is.

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<sup>1</sup> Opened first public housing project under Public Works Administration, in Atlanta, 1936; later director of Atlanta Regional Office of Public Housing Administration to 1952; executive director, Atlanta Housing Authority since 1952.

## Changes in Public Housing

Change is the watchword of our time. In all history there have never been such rapid and momentous changes. As in all other fields, public housing is confronted with new problems as never before. The change which has occurred in the physical structures since 1935 has been equalled or surpassed by the change in the makeup of the public housing tenant body.

Today, in spite of dollar shrinkage, we draw our tenants from a narrower band at the bottom of the family income range. Today in Atlanta, 61 percent of all our families have a woman head, reflecting the large number of broken families and the problems that confront these families — the fatherless children, the working mother, teenagers without adequate parental guidance.

At the same time we have surged into the field of housing the elderly on an ever-increasing scale. These are but two examples of the changes which confront us in the design and management of public housing today. What can we do about meeting the new problems?

When public housing started in this country its avowed purpose was to provide a decent, safe, and sanitary dwelling for every American family. Under reasonable standards public housing has supplied decent, safe, and sanitary dwellings.

Our original Federal attitude was that our job was to house families, period. We were not encouraged, even permitted, to attempt social or recreational services. These services were for professionals in other fields.

I think by now most of us have come to realize that the old standards don't completely fit the vast social and economic problems of today. This has been recognized to some extent by the creation of HUD [Department of Housing and Urban Development], by efforts to coordinate programs of HUD and HEW [Department of Health, Education and Welfare], and by the cooperation, especially at local levels, between programs of the OEO [Office of Economic Opportunity] and public housing and urban renewal.

We have maintained a good and profitable relationship in Atlanta between the Housing Authority and EOA, the local affiliate of OEO. The recently deceased director of EOA, Mr. Charles Emmerich, was cooperative, energetic, and dedicated, and we shall miss him greatly.

We have utilized, as well, other community services available to us. In a typical public housing development the following services are offered to project occupants and the surrounding neighborhood:

1. Fulton County Department of Family and Children's Services (Welfare): Aid to Dependent Children (AFDC); Old Age Assistance (OAA); Aid to the Disabled (AD); Aid to the Blind (AB).

2. Economic Opportunity Center (Affiliate of OEO).

- A. Social Service Department: providing transportation to Grady Hospital; picking up surplus foods for eligible families; consulta-

tion with referral families; housekeeping problems; story-hour for pre-school children; classes for mentally retarded.

B. Employment Counselor: referrals made to Georgia State Employment Office; Manpower Development and Training Programs; Neighborhood Youth Corps; Job Corps; Evaluation Center for Welfare.

C. Community Recreation: block club organizations; baseball clubs.

3. Planned Parenthood: Medical assistance in family planning.

4. Perry Homes Extension Girls Club: Services for girls, ages 6-16, include: summer camp, cooking, sewing, recreation.

5. Perry Homes Extension — YMCA for boys and girls: Recreation facilities — crafts, cooking for girls.

6. Atlanta University Social Service Center: Student casework and groupwork experience (supervised).

7. City of Atlanta Recreation: Operation Camp — Recreational and cultural activities for underprivileged youth.

All this is by way of saying that the provision of shelter is not a complete answer even to the housing needs of the average low-income or very low-income family.

I am convinced that the majority of these families are sadly in need of additional help of one kind or another in order to preserve or restore their health, productivity and self respect. This need for more than shelter should be a major consideration in the design of public housing today and should also be a major consideration in public housing policies.

Since the tenant bodies of our projects include a concentration of families with problems, there is an opportunity to concentrate the various services which deal with these problems. For example, a social worker stationed within a project area can eliminate considerable travel and loss of time and thereby increase his or her effective workload.

I am happy to say that we are working with the local county welfare agency toward this end. We are providing office space for social workers in two of our projects and look forward to expanding this approach further. Naturally we do not expect the services of these social workers to be restricted exclusively to project tenants.

MR. DOUGLAS: May I interrupt the proceedings to make a very necessary introduction? We are greatly honored to have the distinguished former Governor of Georgia, Carl E. Sanders. He is a most welcome addition to this Commission. It gives me the greatest pleasure to ask Governor Sanders to take the chair for these hearings here in Atlanta.

MR. SANDERS: I want to apologize. I want to ask the Mayor to get the numbers right on Ashby Street. We turned right instead of left on Hunter, and I knew that was a mistake to turn right instead of left. Anyway, we are here a little late, but we are here.

MR. DOUGLAS: And very welcome.

MR. SANDERS: Thank you for allowing me to interrupt. Sir, if you will proceed as you already have.



## Atlanta's Use of New Public Housing Approaches

MR. SATTERFIELD: My mention of project focuses attention on the various new approaches to public housing which have resulted from recent legislative action. I refer to the public housing leasing program, the purchase and rehabilitation of structures or groups of structures for use as public housing, and the so-called turnkey method of private development and subsequent sale of housing to housing authorities for public housing use.

With reference to the purchase and rehabilitation of existing structures: This approach may work satisfactorily under certain circumstances, but our experience in Atlanta, to date, has not been productive. Properties offered to us so far have been mostly those which were built under a 15- or 25-year mortgage period and which are nearing the end of that period. Rehabilitating property such as this for a 40-year extended life, requires such extensive physical work and expense as to make it unfeasible. The entire mechanical and electrical systems need to be renewed and sizes of dwelling units require considerable adjustment to house public housing families.

This type of program might very well fit some of our larger northern cities having 3- and 4-story town houses which, though old, are such substantial structures and such desirable locations as to warrant rehabilitation.

Concerning leased private housing for public housing use: This appears to hold great promise in several respects. Unlike purchase and rehabilitation, it does not require a long-term commitment on the part of the local housing authorities. At the same time, it can achieve the same basic purpose in many instances of bringing substandard housing up to standard, thereby increasing the supply of standard housing.

In addition, it can enable a community to create a public housing resource in areas where no open land remains and in locations where public housing is needed for the relocation of families and persons displaced by government action, particularly urban renewal.

It does not require a large amount of staff work, either for the local housing authorities or the Housing Assistance Administration, and it can at the same time prove profitable to the private owner.

In order to be fully successful, it is imperative that a high standard of quality be established and continued in the type of properties to be leased for this purpose, and later in the level of day-to-day maintenance.

In order to demonstrate the advantage to the private owner and to the community as a whole, it is our hope and expectation that in return for a guaranteed income, devoid of vacancy and rental collection losses, private owners will find it to their advantage to spend money and effort to make substandard properties standard and to keep them so.

There are two possible problems or disadvantages in this approach. One of these is that while the supply of standard housing is increased,

the total housing supply is not. Another is that it is difficult to obtain large-sized dwelling units so badly needed in public housing.

The creation of larger units through the combining of smaller dwelling units is sometimes very difficult or impossible for the owner to achieve through rehabilitation and remodeling.

With respect to the turnkey method of project development: This is one of the most exciting possibilities in the production of new public housing.

In this method a private developer comes to a local housing authority with a proposal to build public housing for the local authority. The developer proposes a specific site over which he has control, either through option or ownership. If the site is satisfactory to the local authority and to the Housing Assistance Administration, the redeveloper can proceed with preparation of plans and specifications for the development of the site.

Numerous procedures are required to protect local authorities and Federal interests, both in terms of cost and quality. I will not attempt to describe the procedures, since it is a foregone conclusion that as experience develops these procedures can be simplified and improved.

At the moment all of us — developers, local authorities and Federal authorities — are feeling our way. At the moment, too, it seems imperative that something must be done to help speed up the whole process. So far there seems to be a tendency for turnkey processing to follow very closely the already established standard development procedure in which the local authority itself is the developer. In the past, this has proven to be a time-consuming process.

Turnkey has many potential advantages. It can involve the private sector of our economy to a much greater degree, leading to a better understanding of the housing problem and wider business support toward its solution. It brings in proposed housing sites which otherwise might remain undiscovered or unavailable. It certainly should result in a shorter development period for public housing, thereby making the housing available to occupants much sooner. Presumably it should save development costs, though not to the degree originally assumed.

One of the contributing factors is that the redeveloper must finance the construction period at the going interest rate, which is much higher than the Federal rate available to the local authorities. I am hopeful that some device can be worked out so that the developer can be relieved of some of this cost.

The quality of housing produced under turnkey is protected by a review of the plans and specifications by both the local housing authority and the Housing Assistance Administration. Since the financing of the final cost of turnkey housing is through the sale of bonds in which the amortization is spread over an approximate 40-year period, it is quite important that the quality of housing produced under the turnkey method be comparable with that produced under the standard procedure which has been in use.

Design in public housing should continue to be for permanence of construction and economy of maintenance, subjected as it is to use by occupant families having a high ratio of children. The 40-year financing period could not be successful with the quality of construction which is usually found in speculative building developments.

The use of turnkey approach most likely will eliminate the larger part of staff work load in a local authority during the development period. It should likewise eliminate a substantial portion of staff time of the Federal agency during the development period. This saving of staff time will produce a considerable indirect, but nevertheless real, saving to our government. If carried through successfully, almost the entire public housing program could be carried on under the turnkey approach.

## **Benefits of Public Housing in Projects**

When we talk about turnkey, we usually are talking about public housing of project dimensions. Much has been said by our critics to the effect that the development of public housing projects as such produces economic ghettos. I cannot agree with this unless we choose to call every subdivision a ghetto of sorts.

Until we have substantial evidence to the contrary, or a great change in the types of families now residing in public housing, the project approach still has much to be said for it. It creates its own neighborhood and by so doing controls its environment to a major degree.

It brings together families having similar problems and it offers an opportunity to work with these families, both singly and in groups. It offers the means of efficiency and economy in management and provides a closer and more frequent contact between management and tenant.

In my mind, the worst ghettos are the slums themselves, and I find it hard to look upon the building in which we are having this meeting, and on the adjacent housing development, as a ghetto.

Though I am personally inclined to favor the project type of public housing, I by no means feel that we should restrict ourselves to any one approach to public housing. I think we should explore fully all of the means at our disposal to adapt to the rapidly changing situations confronting us.

We should even swing out with some experimentation to find out whether certain things will or will not be successful. There is room for experimentation in the leasing program as one example of a different method within which there can be many variations and considerable flexibility, a condition which I hope will endure.

In developing housing for large families, we have come to a virtual impasse in public housing. There seems to have been an arbitrary ceiling placed upon the approval of total development costs per unit.



The rapid escalation of construction costs, particularly in larger cities has now reached the point where construction costs, combined with land costs and site development costs for four-, five-, and six-bedroom units overrun the \$20,000 administration limitation that has become the development ceiling. At the same time, we have an ever-increasing demand for larger units and a lower rate of turnover in this size of unit already under management.

Something must be done to break this impasse, either through approval for the elevation of development costs or a lowering of occupancy standards which will allow the crowding of large families into smaller units.

## Suggestions for Improvement

I am afraid that I have emphasized the problems which are confronting us in public housing and have offered very little in the way of suggested solutions. There is a very good reason for this — I just don't know of very many specific solutions. I can summarize a few general ones.

First of all, a great part of our public housing program to date appears to me to be good. Like everything else, it needs to be updated to keep pace with progress. However, I don't think we should abandon an approach which has proved to be largely satisfactory until, or unless, we have discovered alternatives which are more successful. The discovery of these alternatives can be done only through trial, a process in which we are presently engaged.

Second, it appears increasingly clear that we need to increase rather than decrease aids and services to many or most of our public housing incumbents. We should recognize once and for all that we are not a real estate organization, that our purpose is to help people.

It is good to say and it is good to do, "to help people to help themselves." But day after day we see examples of families who cannot do much to help themselves.

The children of such families should be one of our main focuses. Provided with a satisfactory environment and encouragement, they eventually can help themselves. Environment, therefore, is our business — total environment.

Third, we need additional write-down on land cost which is available today only through the use of the Urban Renewal Program. If the results of the write-down can be justified through the Urban Renewal Program, I believe they most certainly can be justified in public housing lying outside of urban renewal projects.

Public housing-oriented though I am, I believe that the total housing need is so great that public housing can encompass but a small part of it.

Solutions to the housing supply problem must be solved largely by private enterprise, and making practical aids available to responsible private developers should be one of our goals. I am not well



qualified to attempt specific recommendations in this field, and I leave this to others.

I should like to conclude by expressing my admiration and all good wishes to your Commission in carrying forward its efforts to solve the tremendous problems which our cities face now and in the future.

Thank you, lady and gentlemen.

MR. SANDERS: Thank you very much, Mr. Satterfield.

At this time we will proceed with one of Georgia's own outstanding citizens, one who, I think, is well known by people not only in this state, but throughout this country. He is Cecil Alexander,<sup>1</sup> a native of Atlanta.

## STATEMENT BY CECIL ALEXANDER

MR. ALEXANDER: Thank you, Governor. Mr. Chairman, members of the panel and staff, I am delighted to have this opportunity to present Atlanta's picture in housing, and also to come up with some of our problems, recommendations, and hopes.

I think just a word about the Housing Resources Committee is in order. Mayor Allen formed this committee at the time that the need became apparent for at least 17,000 units. It is a committee made up of leading citizens of the Atlanta area; as examples, the co-chairmen are Dr. Benjamin, the retired President of Morehouse College, and Sanford S. Atwood, the President of Emory University.

We are divided into panels dealing in all areas of the housing problem. Represented on these panels in the financial area, for example, are the presidents of the local banks. I do think that this committee is interested and intent on solving its problems, and I do think we have the membership to grapple with the problem.

We developed four missions or goals — four missions that we felt our committee should work toward. One — rehabilitating and constructing housing in Atlanta at an accelerated pace; two — bringing together various interests needed to produce low-cost housing; three — insuring that the human factors in housing are given full play; and four — informing the public of the housing problem in Atlanta.

We operate without a budget. However, we have two people on our staff — Colonel Malcolm Jones, who's had long experience in Atlanta in urban renewal areas and code enforcement; and the man who is on a part-time basis, Mr. William Gates, who recently retired as chief underwriter of the local FHA [Federal Housing Administration] here in Atlanta, where he served for seven years, I believe. His salary is being underwritten by Urban America<sup>2</sup> through a special grant.

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<sup>1</sup> Well-known Atlanta architect. Chairman, Atlanta Housing Resources Committee.

<sup>2</sup> Privately supported organization of national scope concerned with improving the social and physical environment of cities.

The city's goals in the low-cost housing new construction program are based on findings of the recently completed CIP<sup>1</sup> study and are those that were announced by the Mayor at his housing conference November 15th. They call for 9,800 units during the calendar year 1967-68 and 2,333 units each year during the next succeeding three-year period; or a total of 16,800 units by the end of 1971.

The accomplishments to date — 72 separate projects have been proposed, totalling 15,391 units. Of these, 7,864 are under consideration. Of the total proposed — 15,391 — 6,149 units previously considered, are likely in jeopardy, and it is to these last 6,000 that I want to speak, because while I think we have made very good progress and there's an excitement about the program — this is the big problem area.

We have attracted developers from all over the country. They are excited and interested in Atlanta. But we have come to a wall. And this wall is of such proportion that some of our developers are getting discouraged. It's in this area that I want to speak.

## Bright Spots in Atlanta

Before I do that, however, I would like to cite several of what I would term bright spots in the Atlanta program, which may have usefulness to your panel. One is Reverend Borders' project, and I know he will speak, too, for himself. I consider this one of the breakthroughs in housing in the Atlanta area. More recently, the Housing Authority, on urban renewal land, gave a contract to the Celotex Corporation, working with Friendship Baptist Church here in Atlanta as the nonprofit managing group, to erect over 200 units.

To me, this is very significant. They say it's only the beginning. I think that this wooing of big companies into this area is what's needed, and we're very happy that the Celotex Corporation started here.

Another significant bright spot is an area that has been set aside for years — the Rockdale Area, which is an urban renewal area but nothing has been built on it. The terrain is very, very difficult and expensive, but plans were drawn up by a developer which indicated how this land could be used by clustering housing. This reduced the preparation costs of the site tremendously, reduced the number of feet of paving, utilities, and so on. Therefore, this area was finally opened up for use, after a period of six or eight years when it had just sat there.

I think a third bright spot is that National Homes<sup>2</sup> is coming in here with an experiment that our building department is allowing them to make. We are building two units again in an urban renewal area. The significant thing about this is not the design of the house

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<sup>1</sup> Community Improvement Program, Atlanta's name for what is better known as the Community Renewal Program, for which the Federal Government provides localities with financial aid.

<sup>2</sup> Private industrial housing manufacturer, headquartered at Lafayette, Indiana.

particularly, but the methods of construction, and the fact that there is some pre-assembling of plumbing and use of plastic wastelines, and so on — things that I feel myself are going to come on if we are really going to produce any quantity of low-cost housing.

Incidentally, I understand from Bill Woffard, the building inspector, who is here today, these houses are now under construction.

## **Temporary Housing for Temporary Relocation**

I think another encouraging thing is the temporary housing plan which is being advocated by the Housing Authority for an area to be cleared for low-cost housing. Instead of removing all people to other sites, application has been made to HUD to allow us to come up with temporary relocation housing in the same community. After a period of a year or 18 months, when the new permanent projects have been built, the families will be returned to their same neighborhood, and the temporary housing will be moved on to do the same job in another spot.

We are also trying to establish a nonprofit group here. This is getting able leadership from the president of the retail association, and we are getting assistance from Urban America. In August, a man who runs a similar nonprofit housing organization in Hartford, Connecticut, is coming to Atlanta. The Hartford group has a fund, I think, of \$1,603,000 on a revolving basis for seeding 221 (d) (3) projects and also for banking land. Urban America will also have the head of their nonprofit housing center, Mr. James Twomey, down here to help in forming this group.

We are also very happy that the Atlanta Chamber of Commerce has gotten interested in this housing project. They have a committee set up, recommendations are being made; they are listening; they realize that the health of Atlanta depends on our taking care of this problem.

The Housing Resources Committee, as I have already stated, I think is a bright spot because of the people involved and because of the interest they have shown.

Georgia Tech is preparing to make a study of low-cost housing if they can get grants. Dr. Harrison, president of Tech, heads the panel that is looking into a system for low-cost housing, which will not specifically pinpoint Atlanta, but Atlanta will be used as the basis for the study and this will go into all phases of the housing problem — the economics, the social problems and the land problems.

## **Dilemma of Land Scarcity and Integration**

There are many problems now appearing, however, that tend to halt the program in its tracks. No. 1 of these — and I'm sure this isn't unique to Atlanta — is land. Anything that you can say about land problems, we have. Cost of land is very high.



When we try to find areas that meet all the requirements, even if the cost is within range, then we run into other serious problems. With all the best will in the world, I'm sure, HUD has a policy — a directive — which says, in effect, that no federally aided housing should go into areas of racial concentration. I'm sure what was intended here is that integrated housing would be put into white areas. However, because of the way the directive is worded — and I'm sure this is the way it has to be worded — it means you have excluded housing assistance not only from all of the areas of Negro concentration, but from all the areas of white concentration as well. And this leaves us in Atlanta, as I'm sure is the case in most communities, with only a very small fringe area where transition is taking place.

Atlanta happens to have one of the most exciting integration projects. On the west side of the city in an area of middle- and upper-class homes is an effort — they call it SWAP — to stabilize a neighborhood with an integrated population. When public housing was suggested in this area, they said, and I think with justification, "If you put it here, you're going to tip this thing, and we will have a resegregation of this area."

Other plans are now being proposed for group housing or cooperative housing in the area that may have more appeal. But I submit that we are really out of places where we can put housing if we follow the HUD directive, and if we follow what I think is necessary to sustain any effort such as SWAP.

In connection with that, we have had policies along the same line of thinking I just expressed. FHA had a tremendous effort in Atlanta. We had the only successful 221 relocation housing development<sup>1</sup> here. That program nationally has since gone by the board, because Atlanta was the only successful area. But they have a record that they are proud of in the FHA here. I feel in this case, if the need for housing is as great as they think it is, the Federal Government is being a little too timid. It is much more serious not to have enough housing than to overbuild the market to a slight extent.

Now, there is another paradox that I would like to cite to this Commission. People in a renewal area have a feeling, and I think again that they are correct, that their neighborhood should be kept intact. People who have lived together in the slums are mutually supported, and when they are broken up into areas all over the city, they feel lost, and they lose what they had in this slum community.

Therefore, efforts such as we are trying here with this temporary housing speaks to this need. But on the other hand, there is a feeling, and I think it is also correct, that we should break up ghettos. These two approaches are not compatible, but I for one don't know an answer for it.

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<sup>1</sup> Early version of relocation housing under Section 221 of the Federal housing act. Approximately 29,000 single-family and 6,200 multifamily units were built in 38 projects over the country during the life of the legislation, from 1954 to 1961.



## Drawback of Housing Code Enforcement

Now, another area that I think is going to get our whole program in trouble all over the country comes under the heading of housing code enforcement. This is fine when you have got a landlord who can afford to correct and pay for the needed repairs. But in Atlanta, and I imagine in other cities as well, we have a large number of home owners who are elderly, who are poor, whose homes admittedly were never built as first-class homes, and they are being confronted with an order from the city that they must fix up their homes. They don't have the money, and they do not qualify for the grant that is available unless they are in an urban renewal area or unless they are in an area of code enforcement. I think that this is an unjustifiable hardship on these people, and I think that somehow we have got to correct it.

In building codes — this isn't just Atlanta, but all over the country — we have codes that are restricting the building of mass-produced housing in assembly plants. All of the great technological advances we have made in automobiles and aircraft, and so on, we just don't seem able to bring to bear in low-cost housing.

I think the only way we are really going to get these prices down is by maximum production. It seems to me that statistics ought to be developed to indicate how many jobs will be created, rather than how many will be lost. The truth of the matter is that we are already mass producing homes — in the trailer industry. The last figures I heard show over a million American families living in mobile homes. So mass produced housing can be built, and it can be done a lot better than the mobile home industry is now doing.

Another problem we have is that the developer's interest, when he runs into all these problems of the red tape, of no land, of opposition from neighborhoods, and so forth, is discouraged. Just getting a building designed and built is enough of a problem, and it seems to me that we keep throwing more and more roadblocks in the way of developers. I think they are a hardy breed, and I am amazed that they stay and keep on slugging.

I think that the need is nationwide for these nonprofit overall housing firms. I give you a case in point. Here in Atlanta a church entered a competition to build some housing in an urban renewal area; and they lost. They told me it was all fair and square and that they had no complaint. But they had used up their money in paying for architect fees, legal fees, and so on, and they were out of the market.

I think local funds and help with situations like this are necessary. I would also like to question whether any of these programs, including public housing, including rent supplement, are getting down to the lowest level. Or is there a group of Americans that don't qualify for any of this?

Now, I would like to finish with some recommendations. Atlanta has just made a review of the land available and zoned for apartments, and our present zoning map indicates only 482 acres available. That

is much less land than we can build on. The strength of the matter is that to complete this housing program that I described earlier, we need about 1,500 acres. The last time Atlanta's zoning map was updated was in 1954, although the city has undergone tremendous changes, not only in housing but in any other area you want to indicate.

It's my feeling that the Federal approval of a workable program<sup>1</sup> should depend on a city's updating its zoning codes, so that its zoning will provide enough areas where housing can be placed.

I think also that the 221 (d) (3) housing should be allowed in areas other than those covered by the workable program. If you don't do that, you get a city like Atlanta that's doing all it can to provide low-cost housing while it is surrounded by other communities that have let their workable program slide or don't have it. This means they are not carrying their share of the burden.

It seems to me that if any builder comes to FHA with a well thought out and well planned 221 (d) (3) program, the law should be such that he can go into any area.

I mentioned before, but I want to re-emphasize, that I think we have got to come up with some way of taking care of the homeowner who is being required to spend money on his home to bring it up to standard and who has no funds available.

## **Mass-Produced Housing for Low-Income Consumer**

I think we should encourage and make available, by all means, the development of mass-produced low-cost housing, and that a national look should be taken at building code changes to allow such construction.

I think that HUD should be asked to take a hard look at the results of their policies regarding the low production of housing. Factors other than racial patterns must be considered or, believe me, no housing can be built. I think we must encourage FHA to move ahead of the market. As I said, the risk of not building housing is worse than the risk of building too much.

We should encourage the nonprofit funds in our cities to aid the building of housing.

We should seek means at the Federal level to encourage the SWAP type of program like we have here in Atlanta. I feel that every agency in the Federal Government that's concerned with our cities should be looking into the SWAP kind of effort — and I know there are other efforts around the country — but to go in there and find out what they are doing and seek ways to aid and abet what they are doing.

And finally, one of the items that is discussed here quite often is the need for a local ordinance for open housing. We, here in Atlanta,

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<sup>1</sup> The workable program is a series of prerequisites which must be carried out by communities in order to qualify for certain Federal aid programs for urban renewal and housing.

feel that because we are surrounded by other areas that wouldn't be governed by this — the DeKalb County area in particular and the rest of Fulton County probably — this wouldn't have the result that people think it would have. I feel that the only way to approach an open housing ordinance is at the national level. A local open housing ordinance would have exactly the opposite effect here in Atlanta. So long as the surrounding areas had no such ordinance, open housing in Atlanta alone would lead to a resegregation of the city.

Thank you.

MR. SANDERS: Thank you very much, Mr. Alexander. We will now proceed with the third panelist.

It's my privilege to introduce to the audience and to the Commission another native son, an outstanding theologian, a world traveler, a man with an international reputation as a humanitarian, an author, a friend of all of the people, who is known and recognized as one of the outstanding speakers in this country. I now present Reverend William Holmes Borders of Atlanta.

#### STATEMENT BY THE REV. WILLIAM HOLMES BORDERS

MR. BORDERS: I am very honored to be here, and God bless you from the bottom of my heart.

We are the greatest Nation in this world. We enjoy power which supersedes that of any empire of antiquity or modern times. We have a scientific technical intelligence which staggers the most exaggerated imagination. We have economic power which ranges between six and seven hundred billion dollars a year. Up to the time of Lincoln, the world was not convinced that the people could govern themselves. The United States of America has done this with success.

We were born in the world for a time such as this, and we are responsible to fulfill our obligations to the moral order, to history and to God himself.

I was born in a slum 62 years ago in Bibb County, and it rained on the bed where I was born the first night. It was a little four-room house.

I have seen the slums around the world. Believe me when I tell you that riots are rooted in ruin, a great deal of this ruin is in slums, and once you begin to dig into one problem, you will find roots of all the other problems in the world. In the slums, there are the problems of ignorance, disease, and poverty and these obtain in varying degrees around the world. They obtain in Atlanta, Georgia, in the North, in the East and, in a worse way in other parts of the world.

#### Negro-White Income Comparisons

The majority of Negroes live in North Carolina, South Carolina, Georgia, Florida, Louisiana, Alabama, Mississippi, Arkansas, Ten-



nessee, Virginia, Texas and Kentucky. They were below the national per capita income of \$2,375 with their per capita income of \$1,724. Seventy-five percent of the Negro families earn less than \$4,000 as compared to 28 percent of white families. The income of Negroes in the South is two-fifths that of whites. The ratio is better in other sections.

The Negro has made economic progress. He shifted from a wheelbarrow to a "T-Model" Ford. This is good. But while this shift was good, whites did better. They shifted from a Cadillac to a jet plane. Instead of the gap closing, my figures indicate a widening, and guarantee the same chasm of yesteryear.

Georgia's one-third Negro population owns 3 percent of the wealth. Georgia is at the bottom. Negroes must reach up to touch that bottom. Every white person in Georgia — as poor as Georgia is — owns 32 times as much as every Negro.

The Metropolitan Life Insurance Company owns more than all Negro business in the United States put together.

In Alabama, in 1950, a white male earned \$1,809; a Negro male, \$956. In 1960 the figures were \$3,367 for a white man and \$1,417 for a Negro man. The Negro gained \$461; the white, \$1,558. Both gained, but the chasm is \$1,097 wider.

In 1950 in Georgia, \$1,870 was earned by each white male; each Negro, \$919. This was a difference of \$951. In 1960, the figures were \$3,374 for whites and \$1,489 for Negroes. This is a difference of \$1,885. Negroes traveled \$951 and whites traveled \$1,885 in the same time span.

Now, in Mississippi, and in every other southern state other than Florida, the same proportion obtained. Nationally, the Negro is \$850 behind; \$908 in the South. The Negro is poor. Poverty is gouging out his eyes. It's very difficult to do anything on an empty stomach. Even Jesus, the most choice spirit ever to walk the earth, never tried to talk religion to a person who was hungry. He first fed that person and then talked about issues considered by some more eternal.

Negroes are very poor any way you look at it. If you go back to the slave period — and most of us don't like to look at it — Negroes were in slavery 244 years. At the close of the Civil War, there were 4,500,000 slaves. This means that six times that many had worked and had died. Roughly in all, 30 million slaves suffered and died in bondage. Any discrepancy pushing this figure down is offset by the number of slaves who died on ships coming to the United States. If 30 million slaves had been paid \$5 a week for 244 years and they had willed their offspring their salaries, white slave owners would have owed Negroes 1 trillion, 903 billion, 200 million dollars. I certainly wish they would pay me my part of it (Laughter)

The Negro had to start at the bottom where he was, and that was even below the bottom.

A man wanted to borrow some money, and he went to the bank and they turned him down. And then this man put on a movement



to redistribute all the wealth of the country, and he went to Rockefeller and said, "Listen, I have got on a movement to divide all of the money."

Rockefeller looked and said, "That's what you are doing?"

"Yes, that's my program."

He said, "If we divide all of the money, how much would each person get?"

He said, "Each person would get \$2.50."

Rockefeller handed him \$2.50 and laughed, "You take this \$2.50 and hush." (Laughter)

Now, it's wonderful to be rich, it's remarkable, and I have no envy. I recommend that every rich lay their money on God's altar. It's not necessarily evil, but it can become so. We are forced, it's mandatory, either we are going to solve the problems of the slums — the poor, the ignorant and the diseased — or we are going to miss the greatest opportunity of history. You can't send white people to Heaven by sending Negroes to Hell, and you can't stand white people up by knocking Negroes down. Believe me when I tell you that I'm proud to be a Negro — and I believe that God was just as intelligent when he made me as when he made Governor Sanders, and I have no feeling about it. I'm going to take whatever little I have, and if I can, set the world on fire. I believe that the world is God's center. I believe that ethics, religion, government, sociology, scientific and technical intelligence — I believe that everything from the top of high Heaven to the bottom of low Hell is centered by God. And I don't believe that anybody in the world can succeed indefinitely in anything without God. I don't believe you can run a both black and white function successfully without God.

Now, that's my conviction. I don't apologize for it. If you have a different position, I may quarrel with you later, but I've got to let you know now what I mean. I believe that we have many needs all over the world. Now, that being true, I say to you without apologies that Atlanta is the shortest distance from Heaven. The shortest distance is straight from Atlanta, Georgia.

The politicians who give me Hell for saying that, well, God bless you, I see you're still here. And when you go off, you come right back here. Now, I don't mean that Atlanta is perfect; it has many imperfections, even in me. But if you are really sincere and you really want to get something done, you can get it done in Atlanta. I'm not absolutely sure about everything, but anything within reason.

## **Nonprofit Housing by the Church**

I'm going to preach, and I'm not going to apologize. I don't care what assignment you make — I'm ready to push this chair back now. My church is in a slum, and I knew that this was going to be cleared. I prayed every night of my life for four years. I don't try to know all of these detailed technical maneuverings, and this, and that, and

the other of housing and all the rest, but I believe in God, and I believe that God can control me.

I believe He can control Mr. Satterfield. I think He can control Mr. Alexander. And I think He can control the President of the United States, and God bless him, because he's going to be reelected, too. Every night of my life I have prayed for success. And I never did say anything to my church about this housing project.<sup>1</sup> Such a thing never had been done by any church.

I walked about that land more times than Joshua walked around the walls of Jericho, and I went to the people in power — both of the mayors, Hartsfield and Mr. Allen. I went to the aldermen and I took an architect and a contractor to Washington. Prayed before I went there, too. I believe in it. I believe in it with all my heart — with all my heart. It kept me fine and sweet.

Sometimes when you're trying to solve a problem, you get emotionally frustrated, and you become a part of the problem that you are trying to solve, and you make it worse than it was before you started trying to solve it. So you have got to be, in my judgment, sufficiently objective so that you don't become personally frustrated and involved.

In every single case, I have found sympathetic families — wisdom and experience. At one time, we checked our project and there were 1,500 people scattered throughout the United States working on it — every race, every denomination, and every economic level.

We got some of our materials from the State of Washington. We got some of our materials from down in Florida. We had common laborers who came 50 miles every day. I was standing down on old Wheat Street, Mr. Satterfield, one day, and one of those bulldozers was gouging out the earth, grr-rug-a-lug-lug, grr-rug-a-lug-lug, grr-rug-a-lug-lug, and way down it went into the ground.

I was standing about 45 feet away, and another man was not standing so far away, and he looked for awhile, and finally came up and said, "Say, brother —"

And I said, "Yeah."

He said, "What are you going to do all around over here — what is all this?"

I said, "Well —"

He said, "Oh, hell, you don't know." (Laughter)

But if you could have seen all these people — every nationality, every denomination — all sections working on this project, you would have thought that they were going to move in. It was one of, if not the greatest, experience I have ever had in my life. God has privileged me to see the River Jordan. I trickled my fingers into the Mediterranean Sea. I have seen poverty in India and I have seen it in the Pacific. I preached one day at St. Paul's Cathedral in London and at

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<sup>1</sup> Wheat Street Homes, church-sponsored nonprofit housing project providing a total of 472 units, 280 of which have been completed. Part of the financing is under the Federal 221(d)(3) program. The project is located east of Atlanta's downtown area, close-in, and it contains some three-bedroom units.

the foot of the cross in Jerusalem. I was born in a slum, but God has been good to me. One of the greatest experiences that I have ever had — it's been 62 years that I have lived — was the construction of this housing project.

I cut the grass now. I had to help install a sewer — then unstop the sewer last Tuesday. A woman called me “janitor” yesterday. If you're not willing to be the janitor, you're not worthy to be the pastor. I love what I'm doing, and all that I will ever get out of it is satisfaction. They charge over \$1,000 to do the service, and we are poor people. If a church doesn't get out into the community and meet the needs and the lives of the people, it's going to dry up and die — bound to do it.

Now, religion, in terms of inspiration, is a prayer. And in worth, in terms of ethics, its good life, the terms of its pragmatism, its meeting the needs of the lives of the people, it must do that or turn in its credentials, as a man shut up in a slum needs help.

You take any form of life and fence it in, refuse it food, and refuse to train it, and you have got an animal that doesn't care anything about law, order or anything else. There's no — absolutely no — question in my mind on that point.

I'm honored to see you, and I'm glad to be here, and we are proud of the services rendered, and we wish we could do a million times more. Remember now, I'm a mere insignificant human instrumentality. The major portion of the credit goes to the Federal Government and the persons who occupy positions of scientific and technical knowhow.

Now, housing does not solve all of it, but it will to some extent help, and God bless the Commission. God bless the form of government here in Georgia, one of the best. God bless our great Mayor. And God bless L. B. Johnson, our chief executive. This Nation is obligated to address itself to the needs at home and abroad, and we can do it — we have the power and everything that it takes.

Thank you very much.

MR. SANDERS: I don't think I need to repeat that he is one of the outstanding speakers and ministers of the country. If anything, I think I underestimated my remarks.

We appreciate what you have had to say. I appreciate what you are doing in the field for the ministry as well as the many human beings that you attend to, and I hope you stay in the ministry and don't go into politics. (Laughter)

MR. BORDERS: I hope you stay in politics and don't get into the ministry.

## QUESTIONS BY COMMISSION MEMBERS

MR. SANDERS: Now, we have come to that point in our hearings where we would like to permit members of the Commission to ask the members of the panel to put any questions they may have. Let us



begin with Coleman Woodbury, who is Professor of Urban Affairs at the University of Wisconsin.

MR. WOODBURY: *Thank you, Governor. Mr. Satterfield, your stress on management function in public housing seems to me very well placed. I take it that most of the function of your management in respect to the educational and welfare services is more or less that of a middleman, is that true?*

MR. SATTERFIELD: That's correct.

MR. WOODBURY: *I don't want to ask an embarrassing question, but does the middleman function work well with the various organizations that actually provide the services, and so forth? Would you see any improvements that could be made, not in the individual services, but in the organization of that part of the community life that would make this middleman function easier and more effective?*

## Possible Improvements in Public Housing

MR. SATTERFIELD: I can see what I think would be a help in making many functions more effective. That is a change—somewhat of a change—in the concept, where we have a project of sufficient size. What I'm really saying is that I would like to see a policy which would permit us to have more adequate space provision in public housing projects so we could bring in the services which we think could effectively help the many problems which we have concentrated in our families.

Now, we know that we are not the only ones with these problems, but just that one statistic always impresses me—61 percent of our families have a woman as head of the family, and when you go behind this, you see that you have problems right away that need attention.

We think, and this is just in our own experience, that our managers, our middlemen, are doing as good a job as they can under the circumstances within the limitations of human error.

MR. WOODBURY: *In this variety of means of providing low-income housing, you spoke of purchase, leasing, turnkey, and so forth. Do you see any administrative problems in your own staff in the sense that you are getting a very considerable diversity of undertaking? Can you handle this? Did you find difficulties in keeping up with all of the rules and regulations and all of the technical requirements of these various forms?*

*There's another figure that sometimes has occurred to me—I'm not making this as any charge against you—the golfer who goes out to the golf course and has a great big bag with about 20 clubs doesn't know how to use the driver and putter very successfully. Is there any difficulty in simply the diversity and complexity that we are now adding to the low-income housing program through these various devices?*

MR. SATTERFIELD: I think, using your example—we are still on the practice tee. These are new to us, and we are feeling our way, but I see some great possibilities in some of these.



MR. WOODBURY: *I see.*

MR. SATTERFIELD: We are able to do some things that we couldn't do otherwise, and I'm particularly referring to the leasing practice. We have some areas in our city that very much need this type of housing, and there's just no place to go in and do it.

You have to have some land cleared to start with, and when we can have a resource nearby to give us a little elbow room to start clearing every building, we can do something in some of these areas. Otherwise, it looks like we are just up against it.

MR. JOHNSON: *Reverend Borders, what your church has done has been an inspiration to churches all over the country. It was an inspiration to me when I first saw your project a couple of years ago, in the construction state of it.*

*I would like to ask you, sir, if you would care to comment on the project now, as to the inhabitants of the area now or the people who lived in that area prior to the clearance —*

MR. BORDERS: Some of the people that lived previously in that area came back to it. We gave them that privilege. There have been other people who did not live in the area. We have every problem that every other housing project has. I don't want to go into detail, but I go to these people — I carry the kids to the ballgame — I'm trying to teach these people that I love them.

I try to teach them how to manage their money. A man paid a late fee for 10 months. I said, "You're going to have to learn how to manage your money. You have wasted enough to buy Christmas for all of your kids. If you can't manage it, come and talk to me about it. Come see me instead of the person in charge of the office." He's done much better.

We have the problem of the woman being the main person in the family. I understand that. Even from slavery, we have had to work with it. I have a person now that owes \$402 rent. She has five children by three different men. I can't put her out in the street. I can't do that, but I have got to provide.

Right now I don't have a superintendent of the building, so I'm going to put her in those quarters and rent that apartment and see that she has something to eat.

I have got to face individual problems as they come up. We are not all we ought to be, but God bless your soul, we are not what we used to be, either.

MR. JOHNSON: *About what percentage of the people in the project formerly lived on the site?*

MR. BORDERS: I would say 20 percent, but it isn't our fault that the percentage isn't higher. We gave them the opportunity to come back.

## Can Code Changes Cut Housing Costs?

MRS. SMITH: *If I may, I would like to ask Mr. Alexander a question. Many codes are unhandy. How can we change them and what is the total impact on cost? Similarly, zoning gets into our whole land policy.*

*Is your group going to have figures that would go to specifications? In other words, if we change the code, the assembly of sites, and so on, what is the total impact on the rent and how can that help?*

MR. ALEXANDER: Well, it's one of the things that I hoped the Tech study would come up with. We may be putting too much of a burden on the research program. I think my own opinion is that we are going to have to get a house done or a dwelling unit done to around \$6,000 in the present market before we are going to meet the needs that I think exist, and that's considerably under anything we have around at this point.

The code matter, I think, can be summed up in a few words: if we get the performance specifications that would allow people to build and use their entire imaginations and resources, I think that would improve matters in a hurry, but —

MRS. SMITH: *But you do think that this research job that you hope will be done will get down to specifics? It's always very difficult. We all say generally that code changes will help, but I'm curious as to exactly how?*

MR. ALEXANDER: Mr. Persell's just backed me up here with a note. He is with the Housing Authority in charge of the urban renewal housing that National Homes is doing. The relaxation of codes, and allowing of preassembly and so on, is saving them about \$1,000 a dwelling unit, and I believe the houses are in the range of \$10,000 or \$11,000.

In other words, about one-tenth —

MRS. SMITH: *And do you think that could be broadened if other changes were made?*

MR. ALEXANDER: I'm certain it could. I haven't any figures with me, but I'm just certain.

MRS. SMITH: *Thank you very much.*

MR. RAVITCH: *Reverend Borders, Mr. Alexander pointed out a dilemma that this Commission has heard expressed in many other cities; that is, the question of site selection for public housing. He pointed to the recent HUD directive, which suggested that public housing not be built in racially concentrated areas. Well, the Commission is very interested in the dilemma as to whether the imperative of integrated housing should take precedence over perhaps even the more expeditious procedure of building housing within ghetto areas.*

*I would be very interested to know what sense of priority you put on these two questions, acknowledging, of course, that it's unfortunate that we have to establish your priority and that we cannot accomplish both.*

MR. BORDERS: Well, the positions are not mutual exclusively. They ought to move in balance. There will have to be some give and take.

Now, God doesn't have his thinking about everything. Whenever anybody tells a lie, God doesn't have his way. When God doesn't have his way, then the people who are responsible on both sides can have their way about every little thing.

I don't mean these positions are little — for some people they look large, but the problem can be solved, and it must be solved, and we have got to have a little give and take and go ahead and get these houses.

You know, the cat got sick, and they sent the snail after the doctor. So the snail had been so long that they sent the dog to see where the snail was. So the dog went out the front door, and the snail was at the last step on the way, and the dog said to the snail, "Listen, don't you know the cat is sick? You've been gone three days." The snail said, "You fool with me and I won't go at all." (Laughter)

The whole process, in my judgment, is too slow — not that you want to speed at the expense of quality and efficiency, or in some instances, substitute smartness for righteousness. But while you're getting ready, these people are being damned in the slums — they're getting worse and worse — what do they care about law and order? They don't care any more about that than they care about a rabbit running in Africa ten million years ago. You have got to do something about it — about efficiency and possibly taking into account the requirements of our advanced society in doing the job. It's got to be done.

Just personally, I can get it done if I have to do it. I talk to the Lord first and then I have to talk to you next, and He's got you ready when I get there. I don't believe any man in the world can turn me down on anything that's worthwhile. I believe it can happen, Governor.

MR. SANDERS: What you're saying, Reverend — if I construed what you just said — is that you think the need for building the housing for the people comes first, that they have got to house the people. But the question about where you're going to put the housing, and whether it's going to be in one area or another, is very important — certainly, perhaps just as important. But if you have got to choose between the two, you have got to build a house to house the people rather than argue whether you're going to put it on one block or another, is that a fair statement?

MR. BORDERS: That's a good statement. God bless you.

MR. SANDERS: I was trying to get an answer to Mr. Ravitch's point.

MR. BORDERS: I would not take the position unless you gave me a particular situation. I would not take the position that one of these values should take precedence over the other. If I looked at the situation, I would say I want integration wherever it's to my advantage. I'm telling you that now. But I don't want to be just with white folks. I think you get just as much out of being with me as I get out of being with you.

I don't think that's going to solve every problem. I think we ought to have it. Well, let me say it this way, and I know you're pushed for time. I saw a boy playing hookey from school, and the teacher called the other children and said, "Look at this boy running from education."

Last Sunday morning some boys were supposed to be at our service, and they went around the corner, and I called them back. They were running from religion.

Now, white folks run from us. How are you going to run from them when they have got as much as you? Now, you have had all the advantages, and we want some of these advantages, and some of us feel that if being with that we will get it, and it will help.

I want integration. I wouldn't believe in a God that discriminated. I want to integrate. I want housing, too, but if you want to run on away from me, I don't care, because you will be back after while, and you will be glad to get back.

I would take the housing according to a particular situation. Under other circumstances, I might take the integration. It just depends upon ramifications of the particular situation.

MR. SANDERS: John DeGrove would you like to propound a question?

## Land Shortage for Government Housing

MR. DEGROVE: *Thank you, Governor. It's tough to choose one. There's a lot that I would like to ask. But I think, Mr. Alexander, that I will ask you a question about your point on the amount of land available within the city limits of Atlanta. You said there were 4,400 acres at best and 1,500 acres needed. Now, looking at this from the point of the metropolitan area as a whole, are there any opportunities there for land for low-income housing?*

MR. ALEXANDER: To use a cliché, I'm glad you asked me that question. Five Points — we should have a map of it here — is considered by most Atlantans to be the center of the city. This isn't true, but it is the heart from which the city grew.

If from the heart of Atlanta you head west, you get a great deal of built-up property, but then as you approach the western boundaries, you get into open land — a lot of it. If you head for the east, you go into an area that was long since built up as subdivisions — some of the earliest subdivisions — some in good shape and some in very poor shape; but, nevertheless, the land is divided up into neighborhoods.

And then we hit the county line — DeKalb County — and this is a stone wall as far as the housing goes. They have dropped their workable program, though they are in the process of reinstating it, I understand. One community in DeKalb County, the city of Decatur, does have a workable program, but I understand that they have used up about 97 percent of their potential.

The answer is that if we were to try to distribute this housing equally to the east and to the west side of the city, we would have to get out of the city limits to find the same open land to the east as there is to the west. We do have some to the south, and we do have some to the north.



In the north we get into very high-priced land, and the other facts of income come in, and if I may say just one thing, just as much of a problem is the matter of economics and the fact that people don't want low-cost housing near to them, regardless of race.

## Other Roadblocks to Public Housing

MR. O'NEILL: *Mr. Satterfield, since 1937, I think something like 700,000 or 800,000 units of public housing have been built in the United States, and today we have about 7 million families living in substandard housing. There are two parts of this question.*

*Even though far more units have been authorized than have been built — one, what are the specific four or five roadblocks that have prevented the building of the authorized units in each year? And to what degree can or could public housing break down or lower this figure of 7 or 8 million families in substandard units in the United States today?*

MR. SATTERFIELD: I'm not sure anybody can really answer this. The main roadblock, I think, has been indicated here: The economics of sites, the stigma of public housing in the minds of many people who oppose public housing blindly, and the local political problems you are up against. The question of the cost of construction is rapidly coming to the fore, as you can imagine, in this expanding economy year after year.

These are the main ones. In Atlanta, I presume we are not typical. We have a mayor who is very much in favor of public housing and encourages it in every way and defends it. This is not true in various communities that I know of, and we are happy to be in such a situation.

But in practical matters — we have had close to 15 sites on this turnkey. We have managed out of this to get three for public housing. I don't mean that we might not go two or three more, but some of them I know we definitely won't get.

Generally, we are trying with these new programs to expand the possibilities of public housing. Now, over and beyond this is the question of a reluctance of many people who are eligible to go into public housing. You know, for many years public housing was attacked by some very strong national organizations. It was propagandized against for many years, and this has taken hold, and it still persists in the minds of many people. We have not outlived some of the things which I feel were just criticisms.

MR. ALEXANDER: I just wanted to add that as I see it right now, if we had the land available at the right price, we could build these units in a hurry. I still am not absolutely certain that after we built these units that we have really solved the whole problem — as I mentioned — of getting down to the lowest level.

MR. SATTERFIELD: And there's one point that I think is important that I would like to make. We are finding that the turnkey approach

is not as much of a problem, even if it involves the change of zoning. Developers can come in with sites which are presently zoned for other than multifamily residential, and they can get an owner to agree to sell to them from, let's say, M-1 classification and A-1, which is residential multifamily, and we are having sites offered to us which are not in this 400-odd acres that Mr. Alexander was speaking of. This is a valuable thing. We are paying a premium. It's a seller's market, and when the redeveloper goes out, he is looking for a site, and he has to pay what the owners demand, and this constitutes a little bit of a problem with us also, because sometimes this site cost is unapprovable. It has to be checked against appraisal.

MR. VANDERGRIFF: *I would like to ask a question of Reverend Borders.*

*I would have to echo Jeh Johnson's remark that it's been an inspiration to hear what your church has done, sir. It seems that you, like Jesus, get on the street where men sweat and swear, and where souls are lost. You have done this. So many pastors stay within their churches. I admire you deeply, and it's for that reason that I would like to ask you a question that perhaps doesn't bear quite so much on this matter of housing, but yet is in my mind, and it might be quite awhile before I get a chance to ask this question of anybody whose opinion I would respect more.*

*To me, today there is a great interest on the part of people in all walks of life to bridge the gap between Negro and white. We are, after all, brothers. We are one country. More men in high places feel the necessity for this. I don't think the President would have activated our Commission if he didn't believe this to be so, and I don't think these people would travel all over the country, as we have been doing these last few months, if we didn't think it could be so.*

*And in this time when there seems to be a greater sensitivity — surely there is also insensitivity, don't misunderstand me — but a greater sensitivity, there also seems to be a greater amount of discord among us. The events of recent weeks, of course, are much in our minds.*

*I have heard many brilliant students talk about this — students of government and social studies. I have read what many brilliant writers and editors have written, and I would really just love to hear you speak to this point for a moment as to why you think this to be the case, and as to what could be done to perhaps broaden the understanding that I felt and still believe is gaining momentum in spite of this discord that is abroad in the land.*

MR. BORDERS: I don't consider myself capable of all the answers. As one person, I believe that we need the best education on earth for all people. I think it ought to be mandatory. It's difficult to deal with ignorance, very difficult, as you very well know.

If we had compulsory education — I mean compulsory education for all the people — and the very best education —. Either you're going to spend money for education or for penitentiaries, jails and corrective agencies; so it isn't a question of money, and if it were a

question of money, what is more important than removing the cobwebs of ignorance from the mind? Nothing in the world.

Now, we have got to have jobs for everybody, and people have got to be capable of working. Many, many people are not even capable of filling almost any kind of job, and in some instances, they are losing many jobs.

There used to be 350,000 Pullman porters. There's only 50,000 now. You know, automation is at work. Now, other jobs must come from some place, and people must be trained for them.

In Philadelphia a survey showed that there were 90,000 unemployed. They had 75,000 jobs, and none of the 90,000 unemployed could fit the 75,000 jobs that were open.

We have the best soil, rainfall, forestry, and rivers; we have bountiful natural resources. We have got everything. So according to these natural advantages, we would supposedly be rich. But we spent too much time with slavery, and so much time making laws. But it's coming now — remarkable progress.

In an effort to defeat Negroes, the whites defeated themselves. They have argued everything against us. We weren't even human beings. We weren't good enough to be associated with. And all the time, they had put 6 million mulattoes in the race, white men and Negro women.

They denied us education, and we have got to be understanding. That's so important. Now, you can't understand these riots, but you can understand the Revolutionary War, and you can understand the Boston Tea Party, and you can understand taxation without representation, but you can't understand why the Negroes in the slums fight.

Well, you take any person and deny him, refuse him training, refuse him a job, because he happened to be born into a particular race — Race is not anything that anybody in the world ever selected; it was done by a Power not ourselves, without our choice — so that to treat him that way and then to expect him to be a gentleman and to take everything, he would rather die.

Patrick Henry said: "Give me liberty or give me death." Education would help. A job would help. Religion in itself is not doing what it should do. In many instances, you find individuals who are tremendous, but there are many churches that are being torn down.

Now, believe me when I tell you that Rome did not collapse from without, it decayed from within. Communism is our world enemy in one sense. But our greatest danger is not communism, it's heart trouble in the inside and religion, religion, religion and religion. Why, we have had a theologian that said, "God is dead." He even stood up and said, "God is dead." But He is very much alive. The very fact that he can pronounce that God is dead means He is still alive.

I talked with Billy Graham this morning, and he said we need religion. We are spending \$11 or \$12 billion for liquor and about \$8 billion for amusements and gambling and all sorts of things each year. That's more than we spend on both education and religion.

We have got to recognize that man is a moral being. We have got to



teach, educate, give him something to do, and this is our day. The majority of the people in the world are black. Fifty-three percent of the world earn \$4 a week. Half of the world is illiterate. We need to go to India, Africa and Asia.

We need to go everywhere in the world, and some of the agencies of this Government have gone, and we need to do that to advantage in an increasing degree. We can do this, but it's a gigantic job. And when you get into housing, you find every problem in the world rooted there. You have got to solve your problems, and you wouldn't want to live in a world where there wasn't any problems.

This is our day, and we must do our part. Don't misunderstand me. I was born next door to a friendly man named Lingo. He used to sell ice cream, and when he didn't sell out, he would come back 10:30 at night and say to my uncle, "Get up. We are going to eat up this ice cream." And we would sit there and eat that ice cream.

I never knew anything about white or black until I was 12 years old. I can't do anything about being brown. In fact, I think my skin is better than yours. I know my hair is better. (Laughter)

I can't do anything about that, but we have got to use the best in every person in America to preserve this greatest Nation in the world. Education, a minimum amount of foodstuff and clothing, housing to satisfy the body, and the training of the heart.

To go back to my story, we are sick, some of us, and those who are well must administer to the sick, and we have got to do it in a hurry. Turn back to some of the things I talked about. I have talked to some of the most responsible persons in the world about this right here in Atlanta.

Stokely Carmichael can go up to Five Points and spit, and every agency for communication in Atlanta will be right there to tell you how many times. And sometimes he gets more action than some of us got in 30 years.

See, we have allowed these situations to remain. Let's get these evils corrected — white, black and everybody. And in our housing project, as Mr. Satterfield well knows, no reference was ever made to race or anything else, ever. All of us work, and we can do that with every problem we have got, and we need to do it in a hurry.

This, and I'm finished. Georgia has just educated its first Negro doctor since James Oglethorpe laid foot on the southern soil in 1732. It's a disgrace. I have two children, and both of them have specialized. Dr. Davis has helped my son tremendously. But both of my sons had to go away from Georgia to get services that were needed in Georgia.

Now, we did get state help — state aid. I'm so grateful for that. But we are diseased, we die faster. The ratio is 7 to 11 for 1,000. We are in need of better hospitalization. Right now, the Negro doctor cannot follow his patient into our largest hospital, and when you start tackling the problem, they get smart. They get up a lot of this, that and the other. But the fact is, the people are still dying.

We very much need religion. God centers around everything. God bless you and thank you.



MR. VANDERGRIFT: *Thank you, sir, very much.*

MR. SANDERS: I would like to ask our distinguished chairman, the Honorable Paul Douglas, if he has a question he would like to ask?

MR. DOUGLAS: *There is a question I would like to ask Mr. Satterfield. Here in Atlanta I think you have the largest proportion of public housing of any city I know of — 9,000 units, approximately — with 31,000 people living in this, out of a total population of approximately 500,000, or 6 percent of the population. Now, furthermore, you have had public housing for a long time.*

*Our Nation began in the late 1930s, as you said, and carried on consistently, so you have had a long basis of experience. I would like to ask what is the crime rate among the residents of public housing as compared to the general crime rate in the city?*

MR. SATTERFIELD: I can't answer that precisely. I have seen statements from our police department, which has made comparisons, and it has always been that the crime rate in public housing was much lower than comparable areas elsewhere in the same economic groups. But as I indicated, our present body is changing so, and we are taking in so many more problem families, that I expect the ordinary crime rate may rise somewhat.

MR. DOUGLAS: *I wonder if you would be willing to try to assemble material on this point and send it to Mr. Shuman, who is our executive director, so that we can get this into the record, because I think this is important. The charge is being made all over the country that public housing is conducive to crime, and that it has a higher crime rate.<sup>1</sup>*

MR. ALEXANDER: I think one thing that might be added here, Senator, is that the housing authority in Atlanta — and I don't know how long this can last, frankly, with the land as it is — has a policy of no highrise apartments except for the elderly, and I would say that if we have a lower crime factor than other cities, this may have a bearing on it.

MR. DOUGLAS: *You think that one-, two- or three-story buildings are vastly preferable for families to multistoried buildings?*

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<sup>1</sup> Mr. Satterfield later wrote the Commission (Nov. 20, 1967) that he was unable to come up with any statistics, though the Atlanta police department "states that the crime rate in public housing is much lower than in the blighted areas . . . ." Further: "I think the best way to answer the charge that public housing is conducive to crime, and that it has a higher crime rate, is to cite the story of Arizona some two generations ago. Back in the first part of the century the state of Arizona was considered by the medical profession as having the best climate for the treatment of TB, most often referred to in those days as 'consumption.' In my younger days I recall several people going to Arizona on the recommendation of their doctors, and even had one relative who went there to live out the rest of his life. At this same time the statistics definitely showed that Arizona had the highest rate of TB per 1,000 population of any place in the entire country. From these statistics one could draw the conclusion that Arizona was conducive to TB. I think that public housing is in much the same situation. The people for whom public housing is produced will include a high percentage of unfavorable statistics. These statistics are the natural result of the source from which we draw most of our tenants. My testimony before the Commission attempted to recognize this very fact, and in so doing to recognize our housing as an appropriate place for corrective efforts and rehabilitation."

MR. ALEXANDER: It's been the policy here, and I think maybe what they are doing up at Expo '67<sup>1</sup> points a way to have some of both — that housing experiment up there of giving open space up in the air.

MR. SANDERS: Thank you very much.

And now we will very rapidly go back and ask the Commission members if they have any other questions they would like to ask. Mr. Woodbury?

## Loosen Up Center-City Land by Rezoning

MR. WOODBURY: *I would like to ask one more question. Mr. Alexander, you mentioned the zoning problem, and the necessity for some revision of zoning. Somewhere I have picked up the idea that the zoning pattern in Atlanta chops up the residential areas of the city with commercial and industrial zones, segregating certain residential areas from others. Is this a fact, and do you think that any revision of that pattern would help in any way?*

MR. ALEXANDER: I know it's a fact. In the past, zoning has been used as a method of containment. I think that is a source of some more open land, as these areas that were zoned for industry in many cases really don't have an application that way.

MR. WOODBURY: *Thank you.*

MR. JOHNSON: *I wish you would comment, Mr. Alexander, on how you see this changing technology in the building industry, specifically in terms of the production of lower-cost housing units? Are you thinking of it in terms of components or in terms of factory-made items that are shipped out to a site? Do you see any possibility for technological improvement with respect to site development and other kinds of building improvements on sites?*

MR. ALEXANDER: Now, speaking in an area that we both understand, architecture: I think that a great deal can be done with components that are assembled on the site, even if total units be placed on a site or assembled into an apartment.

Again, going back to Expo '67, the cost of those units is tremendously high — something like \$80,000 a unit. But this to me isn't significant. This was an experiment. It's the method, the assembling of units one on top of the other.

I would recommend to the Commission that they look at this plan for Rockdale, where the cluster was used to overcome a very bad site.

MR. JOHNSON: *We have seen some of these factory-built jobs, and sometimes they haven't been able to bring them down to the price of the erected finished product.*

MR. ALEXANDER: My own feeling about that is the companies that ought to be getting into it haven't gotten into it yet. The ones that are experimenting with it are small in scope. I think there must be something that will produce the same quantity, say, that the automobile manufacturers are producing now.

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<sup>1</sup> Habitat, the multifamily housing structure designed by Mosche Safdie.

MRS. SMITH: *You made a statement, Mr. Alexander, about improving mobile homes. Could you be more specific? How would you recommend improving them?*

MR. ALEXANDER: Well, I think I would tear them up and start all over again.

MRS. SMITH: *On size principally or —*

MR. ALEXANDER: Size, construction, and the facilities in them. They are not built to last. They are built to last, I think, something like seven years. One of the problems is that you can't get a long-term loan on them, because they do deteriorate so quickly.

MRS. SMITH: *Thank you.*

MR. SANDERS: Mr. Shuman, do you have any questions?

MR. SHUMAN: *Just one question I would like to ask.*

MR. SANDERS: Let me identify you. This is Howard Shuman, who is executive director of our Commission.

MR. SHUMAN: *I would like to ask a quick question, because the 221(d)(3) projects are of great interest to us. What are your rentals in the projects that you have been connected with? And are you building any large units — three-, four-, or five-bedroom units — and to what degree?*

MR. BORDERS: Our rates are \$69.50 and \$72.50, and these must go up, to the best of my judgment, to \$72.50 and \$75. These are two-bedroom units. We are in on rent subsidies. The construction is not yet in process. I hope within a month or two that we will begin construction.

We will have larger units. Did I answer your question?

MR. SHUMAN: *I'm really interested in whether the rents are coming down? These are lower rents by about \$15 than we have heard of elsewhere, and I'm also curious about the large family aspect. Every place we go, people tell us that they are not building any housing for people with large families.*

MR. BORDERS: I ought to say to you that — oh, maybe it's a sin, but I'm everything. I'm the superintendent, I'm the manager, I'm the president, and I do a lot of the work without pay, so that cuts the expenses. Now, that cannot obtain indefinitely, and it ought not to be even now.

We are planning, but it's borderline. I'm enthusiastic, however, about the outcome. I want to be around when it occurs. I know that it's going to work out all right.

MR. SANDERS: Reverend, do you have any idea what the rental would be normally in the larger units that you say will be built?

MR. BORDERS: The final judgment has not been decided, but we know what the Federal Government is going to do.

MR. RAVITCH: *Mr. Satterfield, on this occupancy standard, do you permit unwed mothers, receiving Aid to Dependent Children, to be tenants in public housing in Atlanta?*

MR. SATTERFIELD: Yes, we do. We have a rather large percentage, I think, of unmarried mothers. I have an actual count on one of our projects. It's 8 percent in that particular case. We do have a restriction

that the youngest child should be one year old before we take a family in, particularly if there are strong illegitimacy symptoms.

We are right now being asked to review this, and we will do so, but I can't tell you what the decision of the Authority will be yet.

MR. RAVITCH: *Do you have any standard for occupancy, and could you enumerate those for us briefly?*

MR. SATTERFIELD: We have all of the standards which are part of the national policy, and we have a few local ones, which we, from time to time, review and revise.

Another policy which has turned out to be somewhat controversial is our policy on families in which a member is in prison on a felony charge or on a repeated pattern of misdemeanors, indicating that the family would have problems in the community. This also is being reviewed.

I don't know whether this will be relaxed or not at this time, but we do have a provision for a waiver on individual cases taken to the Board.

These are the only two that I think are our local policies at the moment.

MR. ALEXANDER: Not to interrupt, but to go back a little bit, Mr. Persell has just come to our aid with a document here from Mr. Ralph L. Johnston, who I understand is here with FHA, in which he has listed 221 (d) (3) units in the area and their rent structure. I'm not familiar enough with it to read it off, but if you would like it for your record, I'm sure it's available.

GOVERNOR SANDERS: If you will just introduce it into the record, it will be fine. Mr. DeGrove, do you have something you would like to ask?

MR. DEGROVE: *Did I understand you to say that we haven't had any outside urban renewal areas?*

MR. SATTERFIELD: No, I didn't say that. There is a considerable amount of outside urban renewal.

MR. DEGROVE: *I was puzzled by it. I just misunderstood your statement.*

*This is either for Mr. Alexander or you, Mr. Satterfield: Is there any 221(d)(2)<sup>1</sup> single-family housing being built here in Atlanta?*

MR. SATTERFIELD: Yes, we have one outlying project which was successful earlier — a subdivision which has been replanned, and which is one of our urban renewal projects in which we are doing just this. Part of it has been so done, and I think some of it is going to be done by conventional financing, and there has been some participation.

MR. DEGROVE: *Could you give me any idea of the selling price, downpayment or monthly payment?*

MR. SATTERFIELD: We are indirectly connected with it, but the selling price has been from \$10,000 to \$12,000 generally.

MR. DEGROVE: *That would be for a two- or three-bedroom home?*

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<sup>1</sup> FHA mortgage insurance for low-cost one- to four-family housing, loans at market-interest rate, for families displaced by urban renewal or other governmental action; also for one-family housing for other low- or moderate-income families.



MR. SATTERFIELD: Two-bedroom house.

MR. DEGROVE: *There is a special deal on a downpayment, isn't there, sir?*

MR. SATTERFIELD: I think there is, but I'm not close enough to the 221(d)(2) project to give you the details. Mr. Alexander may know.

MR. ALEXANDER: No.

MR. DEGROVE: *It's an interesting area. Maybe we will find out more about it this afternoon.*

MR. SATTERFIELD: When you get into this, you're getting into housing that is fairly well out and in open area.

MR. DEGROVE: *That's one aspect that is very interesting.*

## Success of 221 Program

MR. ALEXANDER: Could I speak on 221 for just a minute? It seems to me that it would be worth it for the Commission to look into the 221 program of single-family houses that we had here — I don't know how many years ago — four or five years ago, under which there were, I believe, about 5,000 houses built in subdivisions. There was an interest in developing civic groups in these, and the many dire predictions that they were going to fall into slums have not come to pass.

These houses sold, again, I think in the same range of \$10,000 to \$12,000, with the monthly payments at that point from \$55 to \$65. I think they were 800 square feet and had three bedrooms. They went beyond FHA requirements.

For example, the city requires — I have forgotten the requirement of the drops which the electrical connection takes — more than the FHA requires. I think it's unfortunate that Atlanta had the only successful program, because it was a pretty good answer.

There is another 221 program that's just seen the light of day. I don't know enough about it except to tell you that it's very complicated, and this is the 221(h)<sup>1</sup> rehabilitation program, and we hope to try it out here in Atlanta.

MR. O'NEILL: *Mr. Alexander, if you consider using the house structure, you have lots, and many times the lots have to be improved as opposed to a mobile home, which doesn't always have a lot or lot improvements. The cost per square foot of mobile homes is less per square foot than a house.*

*Number two, if you look at FHA 203(b)<sup>2</sup> figures, historically you will find that the cost of the land has increased 234 percent in the past 15 years, and the cost per square foot of the house itself — not the land — has increased only 21 percent in the last 15 years.*

*Now, we all agree that poor families need subsidies in housing. Now, we also know that we, as a Nation, could afford to house poor families if we had the political sanction. We had no trouble getting \$2 billion*

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<sup>1</sup> FHA insurance for mortgages at below-market interest, to finance the purchase and rehabilitation of substandard housing by nonprofit organizations for subsequent resale to low-income home purchasers.

<sup>2</sup> Title II Mortgage Insurance under National Housing Act.

out of Congress for an airplane that can land on no airfield in the United States, because it has a political sanction.

*When it comes to the business of housing, we all get hung up on low cost. Why is it that housing has to be low cost? I'm not at all convinced that it should be low cost. Maybe it should cost more.*

*When it comes to education, we all agree that it should be the best education. We have no trouble with that, but when it comes to housing poor people, we assume that it has to be low cost.*

MR. ALEXANDER: Well, my argument is that I feel we can get a lot more for the dollar spent than we are getting under the present designated building industry program. I believe I read an article in your own magazine about this ratio of cost of land to cost of housing. It was a very thoughtful article on the subject.

I think that the mass production of housing — interesting big companies in it — is also going to lead to the purchase of larger tracts of land, which tends to reduce cost, too. But I don't see it as the only answer, I certainly don't.

As far as building goes, I'm not advocating cheap housing. Let me be very specific about that. I'm advocating a house or housing that utilizes all the techniques and skills that we have to give — the very best in housing at a reasonable price.

MR. O'NEILL: *My point is that the amount of housing we have supplied for the poor is a drop in the bucket —*

MR. ALEXANDER: Right.

MR. O'NEILL: *— and it's a drop in the bucket, because we don't have the political sanction, and that's the biggest problem, to work on political sanction rather than to get all hung up on concrete, Mickey Mouse or whatever.*

MR. ALEXANDER: As I said, land is the major problem in Atlanta, and at least 80 percent of that is political, and maybe 20 percent of it is economic. I can go with you on that.

MR. SANDERS: I'm going to ask Mayor Vandergriff if he has another question, and then we will recognize people in the audience.

MR. VANDERGRIFF: *I would like to ask one question of Mr. Satterfield.*

*Mr. Satterfield, as we have traveled about, we have found areas where there is such a great need for housing and we found communities trying to meet that need. But pretty consistently, there has been a great concern, and rightly so, on the part of everybody really as to what happens to the people in that neighborhood, particularly while those units are being built for them.*

*Now, I don't want to get into an argument about mobile homes versus the more orthodox type of building. I really don't want you to get into that argument. Nevertheless, the fact remains, as far as I know, you folks are the first I have come in contact with who are proposing mobile homes to house people while there is a redevelopment project under way. We were shown one of the sections yesterday. Evidently, there was a good deal of study given this matter. I wonder if you could comment very briefly on what led you to this decision?*

MR. SATTERFIELD: I think that very largely it was the attitude of the people who were going to be affected, who did not wish to be moved away. There is great concern among people when they are faced with relocation in an area which is new and strange to them and which separates them from their day-to-day contacts. So we are attempting to hold close to the same neighborhood, where we will not break the ties or force out those who wish to remain.

We find a considerable difference between the total population of an area and those who constitute the continuing core of population there. There's a big move-in and move-out factor in these areas, but we would like to take the solid elements of this community and build a new community around them if it's possible.

I'm not going to signify that it's going to be successful. But this is almost the entire reason for it, as I say. The other reason is that the total housing supply is a problem also, and when you clear areas and shuffle people around, you complicate the total housing supply picture, which is a very important one to us here. We are in short supply now.

MR. SANDERS: Thank you very much.

Before we proceed with the public witnesses, I want to take this opportunity to thank the manager of the home here, Mr. Leonard Wheelus, Jr., and Mrs. Mildred H. Doss, the assistant. Also, I want to thank Mrs. Edna Knopp, management aide, and Ed Posey, maintenance superintendent, and the many residents, the hosts, the hostesses, and the hospitality group that have made it possible for the Commission to meet here. Our heartfelt thanks for what you have done this morning.

Now, any public witness who wishes to present a written statement may do so regardless of the length, and it will be presented and introduced into our Commission records. Oral statements by public witnesses will be limited to three to five minutes. We must limit the time because we have a tight schedule. With those ground rules, I will now ask those in the audience who would like to speak or to present a statement to come forward and identify themselves.

## PUBLIC WITNESSES

### **Mrs. Henderson: Screen Doors in Public Housing**

MRS. HENDERSON: I'm Mrs. Henderson and I'm vice-president of Grady Homes. I want to ask Mr. Satterfield a question. When they built this building, it was built for whites and the law hadn't passed that it must be integrated. Now, some way you gentlemen should get over to Grady Homes and see the difference in that home and this home.

In Grady Homes they don't have no screens. Flies, gnats, and everything else can come in there, and you don't want to be sitting in a

place where these things are coming in while you are eating and while you are living there. I want to ask Mr. Satterfield, is it possible that he would put screens in at Grady Homes — especially the back doors? I want to see what he has to say about that.

MR. SANDERS: I would be glad to have Mr. Satterfield respond. We appreciate your question. But for the benefit of the audience, we are asking for public statements on public housing. The Commission can't, of course, get into problems that exist between the local housing authority and the residents of the homes. This is something that I think is a little far afield from our present hearings, but if Mr. Satterfield would like to respond, we will give him that permission.

MR. SATTERFIELD: The difference in design of the two projects is the result of two different architects, of course. The cost of the two projects is almost identical per dwelling unit, and you can take your choice as to which you like better.

We find that there is a sharp division of opinion about this. There was no difference in the quality, and there was no difference in the approach to the design of these except for the opinion of the architect.

There are screens on the windows in Grady Homes. The reference is to the doors, which are left open — the ones which face — well, there are two doors. One faces outward on the balcony and the other faces into the main circulation around the balcony inside — the open corridors inside.

There is a problem of fire safety on outward-opening screen doors, which will have to be resolved. It's a question of whether or not they could be satisfactorily installed. The tenants seem to prefer having the doors stand open — something that was not anticipated at the time of the design, and this is where the flies come in. They come in the open doors. You will notice around here that the doors are similar and that they also stand open.

This is a result of the court approach in design, which I think we like very much so far.

MR. SANDERS: Thank you very much.

Will you stand and identify yourself?

## **Mr. Howland: Receptivity to Mobile Homes**

WILLIAM S. HOWLAND: I am the executive director of the Citizens Advisory Council on Urban Renewal. I would just like to speak a little further along the matter of mobile homes.

My committee's duties are to encourage and measure citizen participation. We found, particularly in the Bedford-Pine Project, which you gentlemen went to yesterday, that the citizens were very desirous of staying in that neighborhood.

We had a number of meetings and found there was almost a hostile resentment to what the Atlanta Housing Authority was trying to do in rehabilitating that project. Finally, after a number of meetings, we convinced the people that they were going to stay in that project.



I think this mobile homes experiment grew out of that, and we hope that it will be very successful at pointing a new way to keep people in these areas. That's all I want to say, sir.

MR. SANDERS: I think we have Alderman Q. V. Williamson.

## **Alderman Williamson: On Behalf of Tenants**

MR. WILLIAMSON: My name is Q. V. Williamson, and I'm from the City of Atlanta. I am a member of the Board of Aldermen here in the City of Atlanta, also. I live in an area which represents some 30,000 people who live in public housing.

I want to know, since this Commission came to Atlanta — nobody knew you were coming until a newspaper article appeared day before yesterday — and since the people live under an iron curtain in these public housing projects, when do you intend to hear their side of public housing in Atlanta?

MR. DOUGLAS: It's precisely for that purpose that we are setting aside time this morning for individuals to make statements or complaints, and we will try to set aside a similar amount of time this afternoon.

MR. WILLIAMSON: Senator, I was asked by several of the presidents of the tenant organizations to represent them here. Number one, they work. Number two, I can't represent them in three to five minutes, because they have a long story, and I think this Commission ought to hear it.

MR. SANDERS: Mr. Alderman, how long is your story and when do you want to start it?

MR. WILLIAMSON: I'm sure that it would take 10 to 15 minutes.

MR. SANDERS: You proceed, and we will sit right here and listen to it.

MR. WILLIAMSON: I first want to read to you from the minutes of the Urban Renewal Policy Committee of the Board of Aldermen — part of the housing commissioners are represented on this committee — a statement that I made to them on May 12, 1967.

The minutes state as follows: "Mr. Williamson continued to state that after analyzing urban renewal in Atlanta for the past 10 to 12 years, taking into account what goes on at the Atlanta Housing Authority, particularly in public housing, these civic organizations wonder if Atlanta ought to get out of the urban renewal business, that Atlanta must let Negroes participate and become a part of urban renewal if it is to survive.

"He stated that Negroes also have serious problems with existing public housing, and these organizations also wonder if Negroes wouldn't be better off living in slums on their own land than in some of the public housing in Atlanta. He cited the Egan Homes as an example, and briefly discussed some of the deplorable conditions existing in this project, such as roaches and rodent infestations, and the Authority's refusal to exterminate the premises, and the requirement that each tenant pay for his own extermination.

"He emphasized the city requires private owners to do this, but public housing is not required. Other problems he mentioned were that the tenants were not allowed to have telephone extensions where they had upstairs bedrooms, and even driveways to the apartments are recessed and do not have adequate lighting.

"A case of rape was cited as being attributable to this condition. He stated further that tenants are reluctant to complain for fear of being evicted by management, that these tenants in many instances, rather than live in this project under bondage, would be better off in slums where they would have freedom."

I cite those minutes, and I'm here to tell you that the same conditions still exist here in Atlanta, and I want to go back and give you a little of the history of public housing in Atlanta since this was the first city it started in.

When public housing first started here, it started directly with the Federal Government. With its first entry into the housing field, the first city they came to was Atlanta, and they went to a section called Tanyard Bottom over near Georgia Tech, and this was integrated housing. And I'll have you know that all over the South housing was integrated before the Federal Government got to the Federal housing program.

They went into Tanyard Bottom and tore out all of the slum area that was integrated and they built what is now called Techwood Homes, and they put up a sign, "Whites only." They came over to University Homes, near Atlanta University, and tore out some more slums there that were integrated and they built the University Homes, and they put up a sign, "Negroes only."

This was the beginning of staunch segregation in housing in America. Not only did the Federal Government do that here in Atlanta, but they went to New York, Chicago, Los Angeles, and St. Louis. You name it. This is the way it was done, and this started out real problems of segregated housing when the Federal Government came into it.

The second program that the Federal Government came into was FHA. FHA was an insurance program, as most of you know, and they began segregating housing until it was a homogeneous neighborhood. And by "homogeneous neighborhood" they meant it was white or Negro. And so on down the line, until we finally come to the Supreme Court decision of 1954 outlawing segregation, and the Federal Government found itself in a funny position when we came in and passed the 1964 Civil Rights bill and included in it Title VI to cover public housing.

Atlanta today refuses to abide by the Civil Rights bill of 1964, and it is admitted in this morning's *Constitution*. There is an article on Page 10 about this Commission paying tribute to Atlanta, and in the next column on the same page, there is a column of despair from the people who live in these projects.

The Atlanta Housing Authority in the City of Atlanta is not accountable to anybody. It's a Commission and the members are appointed for 10 years by the Mayor. The only person they give an

account to is the Public Housing Administration. They aren't accountable to the elected officials.

They are not accountable to the tenants that live in these, and they aren't responsive to the people. It doesn't make any difference how much these people complain of unfairness and wrongdoing in these projects, their voices are not heard.

Now, when in America are we coming to the day when a citizen cannot protest about his condition? Thank you.

MR. SANDERS: Thank you very much.

MR. WILLIAMSON: Thank you very much.

MR. SANDERS: We have permitted additional time because of the fact that Alderman Williamson represents several tenant organizations, and we thank you for your statement. Thank you very much.

MR. DOUGLAS: *Mr. Chairman, may I interrupt for a moment? What is the public housing waiting list, if anything?*

MR. SATTERFIELD: Yes, there is a waiting list and we have 100 percent occupancy at this point. The only vacancies we have are turnover vacancies. It is something like one-half of one percent.

## **Mr. Woffard: In Favor of Model Building Code**

W. L. WOFFARD: My name is W. L. Woffard, and I'm a building official for the City of Atlanta, and I'm sometimes referred to as the building inspector. I'm president of the Building Officials Conference of America, an organization of building officials throughout the United States and Canada with offices at 1313 Sixtieth Street, Chicago, Illinois.

I would like to talk briefly about modern building codes in the Nation. There's been a lot of criticism, but how do you keep them up to date? I feel that the model code is the answer to the code situation in this Nation.

We have had hearings where we have had industry representatives, homebuilders and all types of people interested in the various phases of building construction appear before the Code Changes Committee of the model code group. This group is made up of dependable sponsored organizations to hear code changes and to see that those changes that are acceptable, based on performance standards, are incorporated in the code.

These model codes are all performance type codes in that they say what the end result shall be. They do not attempt to tell the designer or the manufacturer how he shall accomplish the end result. The code provides for standards of recognized authority to be accepted, and they are so listed in the code.

There are four model code groups in this Nation — the International Conference of Building Officials on the west coast, where you have conditions different from any other place; the Southern Building Code Congress; the Building Officials Conference of America; and the National Building Code recommended by the American Insurance Association.



I feel that at the present time the acceptance and the adoption by any municipality or county of one of the model codes is the best answer under current conditions to keeping a building code up to date. I do not concur with a specification type code.

Much of the criticism that has resulted throughout the Nation has been caused by local amendments that have been put into a code to favor local conditions. For instance, some cities have specified manufactured brick although other materials would be suitable for a structure. These are not model code provisions. These are local provisions.

I would like to also tell you about our housing program in Atlanta. We have a very active improvement program underway. We mean business. We tell people that they have to comply with the code. We notify them to comply. If the code is not being complied with, they are immediately taken to our housing court, which we have every Thursday.

This court last Thursday imposed fines amounting to \$3,400 for violating the housing ordinance. The week before last, some \$2,800 in fines were imposed.

We feel that we have one of the most active housing code programs in the Nation and that we have one of the most modern building codes available today. We recognize and accept standards that have been approved on a national basis.

Thank you.

MR. SANDERS: Anybody else? If not, we want to thank all of you for being here. We appreciate very much the interest that has been shown by the citizens, and the Commission wishes to thank you for your appearance.

(Adjournment.)

*John O. Chiles Home  
Atlanta, Georgia  
Lunch Session  
July 21, 1967*

MR. SANDERS: May I have your attention one moment? I want to thank all of the ladies who have participated in this affair today. I tried to do that earlier downstairs, but some of you were not down there, and we very much want to thank you for the wonderful manner in which we have been received in your home.

I also would like to take this opportunity to ask Ed Baxter, who is Regional Director of HUD, to introduce those members of his staff who are here at the luncheon.

MR. BAXTER: We are well represented. We have a deputy and four guest assistant regional administrators here: Charles Adams, a Deputy Regional Administrator; John Adams, Assistant Regional Administrator for Renewal Assistance; Sy Albright, Assistant Regional Administrator for FHA; Ray Hanson, Assistant Regional Administrator



for Housing Assistance; and Fred Smith, Assistant Regional Administrator for Program Coordination and Services. We have two other staff members, Gilbert LaFon and Glenn Barger.

MR. SANDERS: Thank you very much. Among others we would like to recognize are Mrs. Clayton, the secretary of SWAP. Would you please stand and be recognized? And we have one of Atlanta's outstanding realtors, Samuel Rothberg.

We have now the privilege and opportunity to present to the Commission and to our guests a very distinguished American, a man who is probably more widely read than almost any American newspaperman in this country, a man who has traveled throughout the length and breadth of this world, and I think he's a native Georgian.

I'm delighted and very happy to present to you the very distinguished Georgian, a very distinguished American, one of the Pulitzer prize winners in the field of journalism, a man who I think needs no introduction to anyone in this area, and I doubt if he needs an introduction to anyone in our country. I give you my friend, the very distinguished publisher of the Atlanta newspapers, Ralph McGill.<sup>1</sup>

## THE COMMUNICATIONS BREAKDOWN

MR. MCGILL: Senator Douglas, Governor Sanders, ladies and gentlemen, I have heard an example of how, after being four years a very good governor, politics lead a man into talents for great exaggeration.

I appreciate the things Governor Sanders had to say, of course — pleasantly exaggerated though they are.

I was just saying to Senator Douglas that because of one other event, every time we look at Governor Sanders, he looks better and better by comparison, and he is also a very handsome man. He's becoming now a veritable political Adonis or something.

I look around and I'm proud of my ability to be associated in some way with a number of persons at these tables — practically everybody — but I would like to single out one or two.

I have had a picture of one of these men on a wall in my office somewhere around 20 years now, and that is Senator Douglas. In my opinion few men have labored as consistently, as hard, and have contributed more thought than has Senator Douglas.

Cecil Alexander has been doing a great work in a weary land for a long time, and I could cite others — others that I see here — I know that they will pardon me if I don't name them. One of the new ones — I asked if she had been mentioned — is this lovely Mrs. Clayton, who got up a thing that is called SWAP.

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<sup>1</sup> Publisher of *The Atlanta Constitution* since 1960. Newspaper career dating back 30 years as reporter on politics, foreign correspondent, editor. Nationally syndicated columnist and author of numerous books and magazine articles. Among offices, director of American Society of Newspaper Editors, International Press Institute; trustee, Committee for Economic Development, Carnegie Foundation for International Peace.

The white owners of property in her area came some time ago to a common understanding that they needed to work together to keep their community — not let it decline, not to become panicked and do any unnecessary folly. Already an adjoining neighborhood has asked her to come and talk with them and explain what they are doing in her area.

This is a part of communication. I don't want to spend too much time on this — but something which I profoundly believe is that there is everywhere without question a great lack of communication. I will not attempt to talk specifically about housing — but certainly the problems of zoning, of land cost, and land availability are acute, critical.

We are at a period when I suppose every person of any sensitivity whatever knows that the slum has got to go and should have been gone a long time ago. But the getting rid of it is going to take a great deal of time — to repair the housing, or to tear it down and put up new.

I'm also strongly of the opinion that there needs to be communicated to what we might call the average American just what has happened to him and what has happened to his country. Each of us reacts, of course, to our environment. This is true, in my opinion, of human beings but also true of cities, states or regions. We look about and we see not only the evil effects of a segregated system for so long imposed, but we wonder why we waited so long because this was just the way things were.

I remember the boll weevil decade, which in a sense was the start of the great outmigration of persons who were not fitted for any other environment except the one that they were in. They had adjusted to it despite its segregated restrictions and they were managing to live.

The boll weevil decade — I remember returning from some of the cotton states, Georgia and others, and seeing the old two-story houses, some of them falling in after a few years, and seeing the fields growing up with sassafras and other scrub bushes.

I remember visiting in 1930 a farmer near Washington, Georgia, Wilkes County, where over 2,000 bales of cotton had been produced in one year, and two years later, a little over 200, despite the fact that the same amount of seed had been sown, same amount of fertilizer had been used, and so on. This part of southern history is largely ignored.

Arthur Raper was one of the great sociological workers in that time in the tier of counties beginning with Wilkes and Greene County. In a period of eight years, something over 10,000 tenants left Greene County. Most of these went to Detroit.

I remember going up to Detroit. Tires were being made largely by hand — just some mechanization. But there was a man at each tire with a lever pulling the cord over into the sticky rubber base.

In that period of not truly a decade, but eight years, some 85 percent of the cotton land went into the hands of banks and mortgage companies. Valdosta, a very good city, called itself immodestly the "Sea

Island cotton market of the world." Sea Island cotton would grow inland about 125 miles.

There were seven banks in Valdosta, and they all failed in the 1920's. The rest of the Nation was ending up the era that was called the era of wonderful nonsense. Something over a quarter of a million white and Negro tenants and sharecroppers left the South in that period, and most of them were Negroes.

Nobody much noticed their going because of the depression situation. Outmigration continued through the thirties and it picked up in the forties when the great demand from war plants came.

This is perhaps familiar, but I want to put it down: The average man in the average city today doesn't seem to know this. In 1939, the population of the cosmopolitan city of San Francisco used to have great varieties of people. The Negro population was around 5,000; in 1945, it was a little over 50,000. It has increased now well up into 60,000.

I have often wondered where these people went in the twenties except to Detroit. You go to Detroit now (and I did this two years — I had a young Negro reporter go with me) — and you can find in Detroit sections where the white hillbilly type, as they are called, are still as poor and as illiterate as their forebears were.

You have third generations of some cotton exodus people in Detroit. God knows, they had no skills, those who went then, and those who have gone since have had very few skills. You realize what the segregated system has done to us. The results — at least the human results — of it have been exported to the whole Nation or certainly to all the industrial cities of the Nation.

Since 1960, nearly 3 million Negroes have left the South, and they are still leaving in smaller numbers. Before the first Watts disturbances or riots, the average number of Negroes arriving there was about 1,000 a month, coming not with any anticipation of a job, but just coming. They had heard about it.

Newark, where we have had the most recent ghastly troubles — I hope I don't offend any Newark citizens — has always been one of the oldest and ugliest cities. It's been trying very hard lately, but their unemployment of Negroes was 16 percent as against the national overall unemployment average of around 4 percent.

Most of these southern people are Negroes who have gone in there because it was always a job center. I don't know if you remember the statistics or the full record on the Waterloo, Iowa, trouble not too long ago — just a couple of weeks ago, I think.

Waterloo City, dating back to the 1850's, out where the tall corn grows, was always a little industrial city that had grown because of the Illinois Central Railroad. Its Negro population has increased, in less than two decades, by over 100 percent, coming up easily on the railroad.

Most of the Negroes, according to the Chamber of Commerce of Waterloo, are from Mississippi. They were impinged on an older Negro population, which had had some education. Their children

arrived with the usual results — fifth grade children, for example, or sixth grade children, couldn't read at the same level a Waterloo child could whose parents had been there. They were several grades behind in reading, and so the story goes, on and on.

A young Negro was the honor man in the graduating class of Georgia Tech this year, but at the same time, some 40 percent of the freshmen class was dropped out, or dropped out voluntarily because it couldn't make the grade. This is an old story. The freshman class at Georgia Tech has been dropping out at the rate of 40 percent for years. Until recently, this was all white. My point is — go talk to Dr. Harrison, and he will tell you — that 46 percent of the high schools in the State of Georgia do not offer a curriculum which will qualify a young man or woman to enter Georgia Tech.

In other words, they do not offer advanced high school mathematics, high school chemistry, or physics. What I'm trying to do is simply to call attention to the fact — to the critical problem — this is all being exported. The results of this have all been exported to Waterloo, Iowa, to Detroit, or Pittsburgh, or Minneapolis and Boston. Who would think, for example, of Waterloo's trouble — most of them — in connection with the Negroes having come up the Illinois Central from Mississippi?

At any rate, what I'm trying to say is that if we could somehow make this well known, it seems to me that there would be less of the so-called backlash which began to appear some months ago and which will, of course, be heightened by Newark, Minneapolis, and other places.

Common sense requires us to understand that this will happen, and it happens largely in the minds of people who want it to happen and who have been looking for some way to rationalize or to support those attitudes which they have been forced to take. Some people feel that it's gotten to be a cliché talking about the necessity of communication, but everywhere I go, I find that people are startled if you go down and discuss what has happened to the Nation.

Not all of the problem has been exported from the South, but most of it in the very poorest relationships has come out of the southern cotton-farming agricultural revolution. Sixty-four percent of last year's cotton crop in Georgia went into loan. It meant that it couldn't be sold on the market.

Something like 34 percent of the Mississippi Delta cotton crop went into loan. The quality wasn't good enough for the market.

South Carolina is making some improvement, largely through some very intelligent people at Clemson. Georgia is beginning to try to do something with the quality of her cotton crop.

Meanwhile, the premium cotton is grown in the West, where they can irrigate, where there are fewer pests, where you can have one variety of cotton. Hundreds of thousands of acres are going into soy beans now, which means that maybe in time there will be little need for land labor.



The mystery of what has happened in the last three years is a very cruel, ruthless one, but it's an example of what's happening to land labor. I think that somehow the picture must be presented in a way that the person and the Nation notices: What has happened and why? Why have we got this problem? Where do these people come from? Why all of a sudden, so to speak, are these things beginning to happen?

Now, I don't know how to get a so-called educational program across, but the lack of communication and the lack of education are a real problem. I have noticed that in every one of the reports that I have heard — I have more or less quietly visited a number of these cities — they always say there was a breakdown in communication.

We don't know what the Negro community wanted. We don't know what they felt. And I take it that this has got to be done, and yet I don't know how you can do it. Newspapers ought to do it; television ought to do it. But if not, certainly organizations should do it and, if they can, get the cooperation of their local media — newspapers, television and radio.

But certainly, the slum has got to go and go pretty fast. We can't be too fast with it simply because it's a physical matter of tearing down and building, but certainly, the slum situation is finished and will remain a critical infection spot. Certainly, I think the educational system must be revolutionized, the whole grade system.

I'm not an educator, but it seems to me that the educational system as we know it is finished. Believe me, this applies to many white children, although the gap, most of it, is a Negro problem. When you know that 46 percent — nearly half — of the high schools in Georgia don't offer classes that prepare a child to enter at Georgia Tech, you know what the worst of these must be like.

Three weeks ago, a committee from the National Education Association visited a county in Alabama at the request of the local Negro school teachers' association, and they reported, after a thorough look, that the schools were miserable and hopelessly inferior, especially the Negro schools in this Alabama county.

I'm sure you could find counterparts of them all over the rural areas. I'm not trying to single out just Alabama, but the typical response from a state senator was a stereotyped response. He said, "Well, this was a Yankee committee and they wouldn't have a kind word to say about anything in the South anyhow. We just won't pay any attention to them. We never do."

Well, that's true, they never do. So you people who are in this very critical job of housing have all of these other things dragging on you like legs and arms, and they drag on the minds of these people as well as on their attitudes. I'm not proud of what the newspapers have done, nor am I proud exactly of what television or radio have done. I'm afraid a great many newspapers — and I'm not pleased, and I'm including our own paper in this — have absolutely abdicated.

All of us have fallen short, but too many have abdicated their responsibility in this field. Television does a superb job of showing things in action — the trouble of fighting, looting, and it does try very

hard with occasional documentaries. There is a great lack in our information media of presenting the story.

At any rate, I'm not trying to be a Jeremiah, nor am I going to be all tears weeping at something, but I think this is a very critical time, and I do believe that if part of our story can be told as to where we are in this condition, it might be helpful.

I'm not trying to be a Chamber of Commerce. I'm embarrassed by what we have not done in Atlanta. Yet I'm proud of what we have done in this city. Governor Sanders was a great help when he was governor. He is a great help now as a private citizen.

We don't have the full cooperation of all agencies from the capitol on down, but we do have cooperation. This is a city that is trying, and this is a State that at some levels is trying, and all I can say is I honor each of you, and I appreciate what this National Commission is trying to do, and I know that any of us who can in Atlanta, if called on, will try to be helpful.

MR. SANDERS: I know we all appreciate Ralph McGill's very timely and very articulate remarks. He is a man of great experience, great wisdom, and one who is understanding and appreciative of the problems of human relations to a far greater extent than most people who live in this part of the country or any part of our country. I want to thank him for being with us.

I want to say to my fellow members of the Commission that I will not be able to be with you after lunch due to some circumstances beyond my control, but before you leave Georgia, I just want to tell you how much we appreciate your coming to our capital city, and to our great State, and bringing into this State this Commission to help shed some light on some of the problems that we all recognize must be solved if we are going to continue to enjoy the great position of leadership that this country has enjoyed now for so many years.

(Adjournment.)

*John O. Chiles Homes  
Atlanta, Georgia  
Afternoon, July 21, 1967*

## NEW HOUSING TECHNOLOGY

MR. DOUGLAS: Gentlemen, I'm very appreciative of your coming this afternoon to speak on new methods and new technology. I also want to thank the members of the public for coming.

After Messrs. Philip Emmer, Jim Robinson and John Odegaard have finished testifying, we are going to ask the members of the Commission to raise questions. Then, we will try to provide time for statements from the floor. I do want to ask you to consider that we are operating under a difficult time schedule. Members of the Commis-

sion have come from various parts of the country, and they will be leaving at various times to catch planes, so please don't think it is discourteous if we begin to break towards the end of the afternoon.

We are very happy to have you all with us. I'm especially happy to welcome Mr. James Robinson, who represents the Southern Christian Leadership Conference as a housing consultant. He has been involved in low- to moderate-income housing for about five years. He has assisted nonprofit organizations in the development of approximately \$25 million of housing under various FHA programs for low to moderate family incomes. Mr. Robinson.

## STATEMENT BY JAMES ROBINSON

MR. ROBINSON: Thank you very much, Senator. I would like to express my appreciation to the Commission for inviting me to participate in this meeting.

Members of the Commission and Senator Douglas, under scrutiny by your Commission looms the most important domestic issue confronting our Nation today. One of the major responsibilities of your Commission is that of education and enlightenment. The responsibility of transmitting to a majority of the American population the problems and frustrations of a minority of its poor is a difficult task.

It is often bewildering for an affluent majority to understand the problems of the poor and at the same time relate to a racial minority group.

The desires and aspirations of all Americans for better jobs, better living conditions and educational opportunities are essentially the same. However, the starting point of the socially and economically deprived racial minority in this country is radically different.

The Negro population, concentrated in our urban centers throughout the Nation, is basically cut off from the normal urban flow of economic intercourse of the Nation. The areas in which they are limited are as numerous as the areas themselves for political, economic, and social integration. The result is that the great number of Negro Americans in our urban centers are devoid of hope and opportunity.

We are faced today with a great challenge. The challenge is a product of inequality, social isolation, and economic deprivation. We find ourselves confronted with a hostile, violent reaction to slums and slum problems. These people are the natural and logical product of their environment.

This Commission is concerned with improving the condition of people with regard to their physical environment—creating low-income housing which meets the acceptable standards for decent, safe, and sanitary housing. The problem, however, is more than a physical obsolescence, more than an overcrowding of dwelling units, more than the conformity to building codes, more than an inability of the tenants to pay the required rent—it is also a mental and spiritual deterioration which transcends and eclipses the physical environment.



It has been my pleasant opportunity to be associated with nonprofit organizations throughout the country which have a keen awareness of the depth and nature of the problem that is sometimes difficult to obtain without personal experience. These organizations realize that, in order to provide needed low-income housing, the people directly involved must have a major involvement in the planning, construction, ownership, and management of this housing. The need for a vested interest and a commitment to improve their environment is essential in order to begin the total rehabilitation of the mind and spirit of the people affected.

## **Rehabilitation of Ghetto through People There**

Nonprofit organizations — such as churches, fraternal organizations, civil rights organizations, labor unions, and other similar associations — are the local and national vehicles to give substance and fulfillment to the individual aspirations of minority slum dwellers.

At the same time, this rebuilding program would afford opportunities to lay persons — such as brick masons, electricians, carpenters, and subcontractors generally — in the production of this needed housing. Lawyers, real estate agencies, architects, land planners, and so forth should also be identified with the communities in which this rehabilitation is attempted. In other words, this rehabilitation should provide maximum opportunities for the products of these communities.

It is conceivable that the slum communities, in their dilapidated conditions — physically, morally, and spiritually — can produce the opportunity so dearly needed to cast off the shackles of dependence and the yoke of inequity which have stifled and smothered the initiative of the Negro.

In addition to the maximum involvement of Negroes and their encouragement by nonprofit organizations in the community to get involved in this rebuilding program, there is a grave need to develop economically balanced communities within the ghetto. Industry should be encouraged to provide employment for the residents. These industries should not only be of a nature which require nonskilled workers but also semiskilled and skilled employees. Shopping centers and other compatible retail stores and shops must be provided on a similar level with their counterparts in the other sections of the city and the suburbs.

The residents should have an opportunity to become involved in the planning, ownership, construction and operation of these facilities also. Government — local, state and Federal — should be encouraged to develop facilities in these areas. In fact, due to the desperation and the emergency conditions, governmental development of office buildings and industrial complexes should give priority to these areas.

In Atlanta, the potential exists, in terms of human resources and natural resources, to accomplish a significant breakthrough in the condition of residences in slum environments.



The University complex could gear its operations to serve and benefit the affected communities by fashioning programs which will produce the kind of technical and professional competence required to successfully alter the pattern of inequity.

The nonprofit organizations must not serve solely as sponsors of developments, delegating the technical and routine tasks to the re-developers, who are generally unsympathetic to the problem, but must exercise their influence to bring about maximum involvement of persons affected in the communities.

It is imperative that the people who reside in slum neighborhoods be provided with an opportunity to obtain better housing, at the same time to develop skills and opportunities which will elevate both their aspirations and incomes to acquire that life which is common to other Americans. It is unrealistic and contrary to experience to assume that the major problems of the central city and slum communities of this country can be resolved by someone doing something for this underprivileged person.

Mr. Chairman, this Commission can aid in developing an awareness by the American people in a consensus and commitment to provide the necessary resources. To do this job, a very necessary first step has to be taken.

The so-called underprivileged, economically deprived, socially objectionable Negro can become a meaningful element in the equation that is America only if he has a vested interest and an opportunity to produce and benefit by our system.

I am convinced that the nightmare which the Negro has endured for many years, consisting of inadequate housing, substandard educational opportunities, and limited job opportunities, could be reversed if he is given the opportunity and the tools to improve and assist in resolving our greatest domestic problem.

## **Nonprofit Organization: A Major Tool**

The nonprofit organization, properly motivated, provides a major tool, through the assistance of government financing, for the provision of better housing produced with the cooperation and maximum assistance of the residents of the communities.

In addition, a special fund should be set aside and earmarked for the construction of the needed facilities in the slum communities. These funds would not be subject to the normal competition for funds for construction that presently exists.

Each metropolitan area should make a determination of the amount of money required to develop housing, industries, and other community facilities required for a balanced community in slum neighborhoods. Each community should have an economic development council made up of representatives of the affected communities — of their appointees — with a professional staff equipped to canvass the communities to determine the extent of their needs and develop a com-

prehensive plan for these communities. Every resource available to the municipality, such as tax exemption, should be used to foster this development.

It is my sincere belief that resources or potential resources are available and waiting in these affected communities which could provide the impetus and solution to what is considered our Nation's greatest domestic issue.

## **Unserved Pockets in Low-Income Housing**

I should like to use the remaining minutes allowed to me to respond more directly to questions posed by the Commission relative to the Federal housing programs. An evaluation of the below-market interest rate program and the rent supplement program reveals notable accomplishment in a limited market. These programs, independent of each other, develop pockets of unserved families because of the mutually exclusive provisions of the controlling regulations.

There are communities of 40,000 population or less where the below-market rate program is not practical because the housing market cannot afford the rentals required. In many of the larger communities the rent supplement program is difficult because of the limitations imposed in the construction standards and the maximum rentals set forth in the program.

The type of housing permitted under rent supplement represents a backward step in efforts to achieve better residential environments for the poor. The insistence on minimums in room sizes and the exclusion of air conditioning and second baths are unrealistic for areas that suffer extended periods of extreme heat and where larger families occupy the housing.

There is no dispute that the below-market rate program, as presently operated, does not serve low-income families. In most large communities, however, the program offers an excellent opportunity to low-moderate income families. I hasten to add that the low-moderate income market still presents a great challenge to the housing industry, and low-income housing must not be considered an alternative to this program.

Under the present law, only 5 percent of rent supplement funds are available to below-market rate projects under Section 221(d)(3) of the National Housing Act, as amended. It is my considered opinion that in order to effect desirable economic integration, rent supplement funds should be made available to all below-market rate programs, thereby broadening the coverage of the two programs by combining them into one program. However, in order to attract the medium-income families, the facility must provide conveniences and amenities which will insure the desirability of the housing in our expanding economy. It is imperative that low-income families have the association and society of higher income groups if they are to become, in any

meaningful percentage, motivated to improve their station in life. It is also necessary that the poor be accepted back into the total society.

It is essential for many low-income families that they escape the brand and stigma of welfare and charity. I am sure that every properly motivated public housing official desires to be out of business if the need for such housing disappears because of the affluence of his community. We must begin enlightened programs to free the poor from reservations of brick and mortar, mind and spirit.

The nonprofit organizations, because of their presence in these communities with which we are concerned, and their demonstrated concern for people over the years could, with proper assistance and encouragement, provide social services programs as a part of the management program of the individual project designed to meet the special needs of the occupants. Here the colleges and universities in the community can plan an active role.

There is a need for nonprofit organizations interested in housing to come together in communities, and through an organized, professionally staffed, nonprofit entity, develop plans for progress for the affected communities. These plans should be comprehensive; that is, include not only housing but employment facilities, transportation, schools, etc.

My experience in dealing with governmental agencies charged with the responsibility of providing housing in the past has clearly illustrated excessive red tape, inflexibility in the decision-making process regarding programs, and an unrealistic dedication to minimum property standards which increase cost and discourage imagination and initiative.

The Federal Housing Administration, in attempting to overcome this criticism, has — in recent months — initiated new rules governing multifamily housing processing which, because of its virgin state, cannot now be evaluated. However, assuming satisfactory adjustments, it is now necessary for the Federal Housing Administration to review all proposals submitted for a given area and consult with community-based organizations to determine their general acceptability and need. A review and consultation with the community are essential.

In closing, some mention must be made regarding the lack of involvement generally of state and state agencies in the problem of the ghetto and the total willingness of the states to assign or forfeit their responsibility in this vital area of the Federal Government.

There is a great need for tax abatement or exemption for projects with this social concern and commitment. Tax abatement or exemption could result in the provision of better facilities and amenities required for poor families.

I am sure that if this Nation were totally committed to the elimination of slum housing and poverty we have know-how to accomplish this desired objective. This country also has the resources to solve this great dilemma if the problem is placed in its proper perspective in our national objectives.

Until we truly come to grips with the realization that real progress



in this socio-economic sphere deserves and commands a major commitment by the people of this country, that the interest of the Nation is at stake and the American dream is being put to the acid test, we will forever be engaged in a deceptive dialogue with the moral decay of our Nation and the destruction of our democratic form of government as the price paid for our lack of concern.

Thank you.

MR. DOUGLAS: Thank you very much, Mr. Robinson.

Our second witness will be John C. Odegard, who is an engineer. He graduated from the Illinois Institute of Technology. He has been working in the field of new developments, technical developments — as Director of Research and Development for Kingsberry Homes.

We are very glad to have you with us, Mr. Odegard. We hope you will speak very frankly on this subject.

### STATEMENT BY JOHN C. ODEGAARD

MR. ODEGAARD: Thank you, Senator Douglas, and I appreciate the Commission's invitation to speak before this group.

Mr. Ravitch asked me to bring some material on what our company does, so at the risk of looking like someone who is trying to peddle prefabricated housing in the form of brochures, I would like to pass out these to the Commission, which I think would very quickly explain what we do.

MR. DOUGLAS: *Who owns Kingsberry Homes?*

MR. ODEGAARD: We are a division of Boise Cascade Corporation of Boise, Idaho. Kingsberry Homes, which is a division of Boise Cascade Corporation, produces prefabricated houses. This year we expect to produce about 5,000 houses, which we sell to professional builders in the 30 states east of the Rocky Mountains.

Here is a set of brochures that will give you a picture of our operation. In the back of this brochure is a fact sheet on Kingsberry Homes.

About a third of our output has been in the low-cost area. We have a series of houses in our line (the "Danforth" model is pictured in the brochure), which have sold in the \$11,000 to \$13,000 category.

In order to get our houses down in cost so that the unskilled rural farm worker can afford to buy them, we have begun a program of mutual self-help with the Farmers Home Administration. Here is a case history on our first subdivision of 10 houses built in Reserve, Louisiana.

The results of this program were as follows: (1) Ten families now pay \$32 per month to live in a modern house with indoor plumbing, a gas furnace, and modern kitchen appliances. (2) The money that they were formerly paying out in rent for dilapidated, obsolete housing is now accumulating equity in their own home. This is a new experience for people at this income level. (3) The experience of building these 10 houses has taught them a trade. These 10 men, who



were formerly unskilled laborers, are now working as a prefab house erection team. This has substantially increased their earning capacity.

## How Building Codes Add Housing Cost

Now to move on to the subject of my testimony: How building codes increase the cost of housing.

Here is a list of the code problems<sup>1</sup> that we are currently working on within our territory. These structural problems arise when our house is rejected by the local building inspector, usually after it has been erected by one of our builder customers.

Although we comply with the four national model building codes and the FHA's minimum property standards, there are many locally written codes that still ignore the technical progress made 20 years ago in the building of wood frame houses, such as roof trusses spaced 24 inches O.C. (off center) instead of rafters and ceiling joists 16 inches O.C.

As you can see from the "status of our effort" column, we try everything to get these excessive requirements eliminated. In addition to the direct cost of materials and labor listed in the "cost per house" column, we have a tremendous problem in our plants to make sure that the house that is shipped to Montgomery, Alabama, for instance, has double framed openings and corner bracings installed in the interior partitions, and that the windows over 36 inches wide have double sills under them. As you may imagine, this plays havoc with mass production.

To get these requirements eliminated, we begin with the submission of engineering data and copies of our model code approvals, and end, as a last resort, in legal action.

Here are copies of the briefs in two actions we now have underway: Gwinnett County, Georgia, and Crystal Lake, Illinois. A trial was held in Federal court on June 7 in regard to the Gwinnett County problem, and a complaint for declaratory judgment was filed on July 5 in regard to the Crystal Lake, Illinois, problem.

The usual reply we receive from a chief building inspector is that he can do nothing about the situation since "it's written in the code." He is not interested in seeing calculations, test results, or any other data substantiating our method of construction.

An appeal to the board that is responsible for the code is sometimes effective, but the board often contains members who are in the building business and have a vested interest in keeping things as they are.

In the case of the prefabricated plumbing, much the same situation exists. There is so much variation in plumbing codes that we haven't even tried to get uniformity in plumbing requirements. We custom manufacture each plumbing wall to meet the local code. Still we are able to save the builder at least \$150 because of the lower cost of factory fabrication.

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<sup>1</sup> See page 103a, following.

# Exhibit by John C. Odegaard: Building Code Problems and Housing Costs

## STRUCTURAL CODE PROBLEMS

### *Location and Code Problems*

Gwinnett County, Ga.: (1) 1/2" Intermediate fiberboard sheathing without additional corner bracing rejected. (2) 3/8" plywood roof sheathing rejected.

DeKalb County, Ga.: (1) Conventional roof framing must be 16" o.c. (2) 3/8" plywood roof sheathing rejected.

Cobb County, Ga.: (1) 2x6 sill plate required. (2) Conventional roof framing must be 16" o.c.

Montgomery, Ala.: (1) Single framed openings in interior non-bearing partitions rejected. (2) Corner bracing on interior partitions required. (3) Double sills under all windows 36" wide and over required.

New Hanover County, N.C.: (1) Crawl space piers must be spaced 7' o.c.

Wilmington, N.C.: (1) Require fiberboard sheathing to be stamped "Meets North Carolina Code." (2) Requires particle board underlayment to have exterior glue.

Henrico County, Va.: (1) 2"x2" ledger on floor girder rejected. (2) Single framed openings in interior non-bearing partitions rejected. (3) Felt flashing around window and door openings required. (4) Spacing of brick ties must be every fifth course. (5) Two roof vents fo. attic ventilation required. (6) 4" felt strips over fiberboard joints required.

### *Status of Our Effort*

Trial on June 7, 1967. Decision not announced.

Calculations and letter submitted; not accepted by Board of Appeals. "It's in the code." \$90

Calculations submitted; not accepted. "It's in the code." \$25

Letters and telephone conversation. Not accepted. \$35

Letters solved all problems but this one. "It's in the code." \$10

Working with North Carolina State Code Engineers and Particle Board Association. \$15

Letters, visit, telephone conversations, calculations. Not accepted. \$45  
"It's in the code."

### *Cost/House*

\$80

\$90

\$25

\$35

\$10

\$15

\$45

Richmond, Va.: (1) Single framed openings in interior non-bearing partitions rejected. (2) Floor system — 4" of bearing required for floor joists; 4"x6" solid sill on crawl space and 4"x4" solid sill on slab required; therefore, floor system must be deleted or basement floor shipped. (3) Felt flashing around exterior openings required.	Letters, visit, calculations. Not accepted. Report being prepared by independent engineer in Richmond for submission to code officials. "It's in the code."	\$75
Tri-Cities, Va. (Colonial Hts., Petersburg, Hopewell): (1) Single framed openings in interior non-bearing partitions rejected. (2) 2x6 floor joist rejected.	Letters and telephone conversations; not accepted. "It's written in the code."	\$55
Norfolk, Va.: (1) Floor joists over basement or second floor must either be lapped or tied with a scab. (2) Building felt must be applied over sheathing.	A hearing was held in March, 1966; two problems were solved but these two were not.	\$15
Rockville, Md.: (1) 1/2" Intermediate fiberboard sheathing without additional corner bracing rejected.	Test reports sent; not accepted. "It's written in the code."	\$15
Mahoning County, Ohio: (1) 1/2" Intermediate fiberboard sheathing without additional corner bracing rejected on two-story houses. (2) Single framed openings in interior non-bearing partitions rejected. (3) No staples allowed in fiberboard sheathing.	Calculations and reports submitted; telephone conversations; no results. "It's written in the code."	\$55
Summit County, Ohio: (1) Single framed openings in interior non-bearing partitions rejected. (2) 4 - 2x10 girders required in lieu of 3 - 2x10. (3) Conventional roof framing required to be spaced 16" o.c.	Letters and a visit have solved four problems; these still remain. An appeal has been scheduled for August. "It's written in the code."	\$30
Medina County, Ohio: (1) Single framed openings in interior non-bearing partitions rejected. (2) 2x6 sill plate required. (3) Joists must be lapped. (4) Double jacks against jamb studs under windows required. (5) 4 - 2x10 girders required in lieu of 3 - 2x10.	Letters written; not accepted. "It's written in the code."	\$35
Green County, Ohio: (1) Single framed openings in interior non-bearing partitions rejected. (2) Gripples required against window jamb studs.	Letter sent; not accepted. "It's written in the code."	\$25

# *Location and Code Problems*

Upper Arlington, Ohio: (1) 1/2" Intermediate fiberboard sheathing without additional corner bracing rejected. (2) Single framed openings in interior non-bearing partitions rejected.

Kane County, Ill.: (1) 1/2" Intermediate fiberboard sheathing without additional corner bracing rejected. (2) Single top plate on non-bearing partitions rejected.

Crystal Lake, Ill.: (1) Single framed openings in interior non-bearing partitions rejected. (2) 1/2" Intermediate fiberboard sheathing without additional corner bracing rejected. (3) Single top plate on non-bearing partitions rejected. (4) Bottom chords of trusses must rest on top plate. (5) Trusses must be spaced 16" o.c.

South Elgin, Ill.: (1) 1/2" Intermediate fiberboard sheathing without additional corner bracing rejected. (2) Single framed openings in interior non-bearing partitions rejected. (3) Trusses must be spaced 16" o.c.

## PLUMBING CODE PROBLEMS

State of Arkansas: (1) Does not permit prefabricated plumbing done outside of state.

Fulton County, Ga.: (1) Does not permit prefabricated plumbing done outside of county.

DeKalb County, Ga.: (1) Does not permit prefabricated plumbing done outside of county.

# *Status of Our Effort*

## *Cost/House*

Letter, reports submitted, telephone conversation; not accepted. \$35  
"It's written in the code."

Test reports sent; waiting for answer. "It's written in the code." \$35

Complaint for Declaratory Judgment filed July 5, 1967. \$205

Calculations, test reports submitted; not accepted. "It's written in the Code." \$135

Our lawyer has requested a formal hearing before State Health Board. \$150

Letter requesting permission was not accepted. Our lawyer is reviewing case. \$150

Hearing before Board. The decision was unfavorable. \$150



Clayton County, Ga.: (1) Does not permit prefabricated plumbing done outside of county.

Had meeting with plumbing inspector; he would not permit it. \$150

Dubuque, Iowa: (1) Requires extra heavy cast iron.

Letter to Chief Plumbing Inspector on 3/2/67, not answered. \$30

There are some areas, however, which prohibit prefabricated plumbing. This is done by interpreting the code provision that the plumbing work must be done by a plumber licensed by the county as meaning that the licensed plumber must do the work within that county, and not at a factory outside the county.

Our plumbing shop foreman can pass any master plumber's test, and he is licensed in many of the localities where we ship prefabricated plumbing.

I believe that the private sector of the building industry could do a great deal towards creating lower cost housing. The code situation is a stumbling block, however.

The greatest harm is that the code situation discourages investment in innovation in housing technology.

Thank you.

MR. DOUGLAS: Mr. Philip I. Emmer<sup>1</sup> has been recognized and received one of the "Top Performer of 1964" awards by *House & Home* magazine, so I'm going to ask the editor of that magazine, a member of our Commission, Mr. O'Neill, to introduce him.

MR. O'NEILL: Thank you very much, Senator.

Philip Emmer is a homebuilder from Gainesville, Florida. He has been engaged in housing low-income families since 1960, with subdivisions in Gainesville, Plant City, and Pensacola, Florida. During this period, he constructed about 400 houses in the \$8,800 to \$11,500 price range with most about \$9,500 to \$10,500. All homes are owned by minority group members.

As Senator Douglas indicated, we gave him one of the "Top Performer of 1964" awards, which we do to 10 or 12 men each year. He was recipient in 1964 of the first trophy awarded by NAHB [National Association of Home Builders] to an individual doing the most to house low-income families. He received a commendation from Plant City in 1966 for helping to solve their displaced family problems.

It's a great pleasure to present to you Philip Emmer.

## STATEMENT BY PHILIP EMMER

MR. EMMER: Thank you very much. Senator Douglas and honored members of the National Commission on Urban Problems, it is a pleasure for me to appear before you today. I hope that I may contribute in some small part to the answers you are seeking in these hearings.

I will separate my comments into three sections. First, I will address myself to the specific questions that were asked of me in the letter of

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<sup>1</sup> Active in National Association of Home Builders, chairing Low-Income Housing Committee and serving on HUD Processing Task Force. Has held many offices, including presidency, in Home Builders Association of Gainesville, Florida. Member of Housing Board of the City of Gainesville, the Alachua County Policy Advisory Board of the Community Action Organization, Gainesville; member of National Housing Advisory Committee of National Urban League.

July 5, 1967, from Senator Douglas; second, there are some remarks to be made about our industry and the agencies that control it; and last, some ideas that have occurred or have been suggested to me from time to time over the past seven years.

In this latter respect, I am indebted to many people, but to none more than Gloria B. Richards, who has worked closely with me for the past four years on a Demonstration Program conducted for HUD, and who happens to be here today.

I shall start with your questions.

How far have we been able to reduce costs and by what methods?

Our lowest costs have always occurred because of the traditional reasons, and when our volume was highest, so that we could take advantage of quantity purchasing, more efficient manpower, and lower unit overhead. There have been few other methods by which costs have been substantially reduced.

On the relatively rare occasions when cost reduction techniques appeared feasible, there was always some bureaucracy standing in the way of performance.

In recent years, with full employment or, more accurately, labor shortages, and plenty of business for all, suppliers and subcontractors have become increasingly independent; and rather than cost reduction, I have seen a rather alarming increase in costs.

Are there any especially promising routes toward cost reduction that ought to be pursued — for example, through new techniques and building code modernization?

My observations do not indicate a great deal of hope for cost reduction through technology, although we will certainly be able to live in a more satisfactory physical environment. For example, recent improvements in sound conditioning for apartment construction will help people live better, but such improvements cost more, not less.

## **Cost Reductions through Code Modernization**

Most emphatically, though, there are very substantial cost reductions available through building code modernization. One example with which I am currently confronted: the wiring necessary in a rent supplement project in Gainesville, Florida, costs substantially more than what would be required in single-family homes because of building code requirements on conduit which are not necessary in single-family construction.

Wiring is available that can be installed safely without conduit, and consideration can be made for future needs which could relieve the necessities of conduit. The extra cost in my project is about 30 to 40 thousand dollars, which could be spent more beneficially elsewhere.

How would you evaluate the potential — as well as the limits — for homeownership among lower-income families?

The potential is very large. Even after excluding the elderly and ill, those in broken homes without stable or sufficient income and,

I guess, most of the people of low and moderate income in the large cities, there are still hundreds of thousands — probably millions — in the rest of the country who are possible home owners.

As to whether or not these families can and will make their way, it is my belief that a very large percentage of them will respond presently. Others will reach this level of maturity with the passage of the next few years, and the natural leveling action that will take place in the areas of education, job opportunities, and the like.

## **Deterrents to Homeownership Interest**

The greatest deterrent to reaching potential homeowners now is the method by which FHA evaluates credit risks. When it becomes commonly known in an area that people are turned down, others resign themselves to the same fate and often don't even make the attempt.

Encouraging and arousing low-income families, and keeping their enthusiasm hot, is a psychological technique that cannot stand much negativism.

In the study made by Gloria Richards, and concurred in by me, there is indication that some of the FHA qualifying characteristics, while probably very good for middle-income families, do not have much application for those of lower income.

FHA tries to predict the results of six items and, based on a rating system, tries to determine whether or not a potential purchaser will be a good mortgagor. I believe that only one of these items, Adequacy of Effective Income, is important. I do not think the others are.

As to the general results, we do not believe there is a substantially predictable pattern between their analyses and the resulting problem cases. About 75 to 80 percent of the failures in our subdivision have come from family disasters, which include deaths and marital break-ups. Those are generally difficult to predict in advance.

In the other failures, there were not more than two or three which we could possibly foretell. Conversely, there are a substantial number of people whom we considered as potential problems that have turned out to be pretty remarkable as far as maintaining their mortgage payments and their homes. There are some notable stories that we could tell to illustrate both the good and the bad, but time does not allow for that.

While the percentage of foreclosures in our type of subdivision is well above the average, two important facts should be kept in mind: first, the kind of financial experiences these families have had previously, and second, the alternatives if we do not encourage homeownership.

In the area of financial experience, loan companies are generally willing to wait awhile longer for their money, especially since the interest is accruing at the very healthy rate of three percent per month. Merchants have allowed for the "13-month year," and others in their



society have been good enough to require less than agreed upon performance.

So, the stringent regulations of the mortgage companies, Fanny Mae (FNMA) and FHA, are the first experiences these people have had with punctuality. It is necessary that we realize that it is going to be some time before we can anticipate the promptness expected of other segments of our society.

As to the alternatives if we do not encourage home ownership, we will see our problems and/or our costs increase with either the continued existence of expensive slums on the one hand, or equally expensive subsidized housing programs on the other. So that I am not misunderstood, let me make it clear that I realize full well the necessity of such programs, but I believe also there is a great number of families, stuck in either slums or public housing, who, with a little help, can become taxpayers rather than tax users.

In summary, I believe we are missing a large number of potential homeowners because of credit reporting agencies, FHA's mortgagor rating system, and the extremely substantial amount of investigative work required of the mortgagee or builder to prepare the case.

Later, I will make suggestions to alleviate some of these problems. But for now I hope this answers your questions as to the potential of the market.

## **Credit Problems of the Poor**

What are the credit problems and how can they be mitigated?

Credit problems often come from credit reports. Our experience indicates that credit bureaus are often staffed with poorly trained help, generally not competent to make decisions which will affect the future of an entire family.

Often such people are prejudiced against minority group families and, when possible, will downgrade their reports. One of the most flagrant problems of credit reports is that derogatory information from years back is maintained while good information is dropped. These items weigh heavily against the potential homeowner.

It is no revelation to anyone here that the low-income family, especially the minority family, has lived in a society far different than the balance of our citizens. The small loan companies are a way of life to these people, and so too are the loan sharks, high-cost installment purchases, and loans from employers, which make for empty pay envelopes at week's end.

They buy poor quality furniture with incredible markups. It seems that all the used cars they purchase have transmission problems. When they buy such a car and find they have major repairs, they either return the car to the lot or have it picked up.

The vendor has his downpayment and car, and the purchaser has a collection account or a judgment, which will forever remain on the credit report. The people who specialize in this market recognize and disregard these credit report comments, but FHA does not.

A typical credit problem: In 1961 I took a small deposit and ordered a credit report. The woman had worked for a short time on a job and she had evidently been discharged. The credit report said, "The wife was employed as a maid in a private home but was discharged for dishonesty."

I questioned the woman about this and she denied that this was the case. We did not go through with the sale at the time but more than two years later they made another try. The wife had been working on another job for almost two years.

We ordered another credit report which correctly reflected her current employment but also said, "His wife was formerly employed as a maid but was discharged because of dishonesty."

A few months ago another report was run on this family and the same comment was there. This woman has now had 10 years of employment history, and she is and will forever be plagued by a three-week experience which may or may not have been true, and which nobody bothered to ask her about.

Problems such as these can't be mitigated with the reports we use, but it should be realized that these are not unusual occurrences and should be considered in proper context. Had this been a middle-income family, it is likely that the employee would have had a chance to respond to the charge.

It is examples such as these — and I could give you dozens of them — that convince me that credit reports may not fully serve their function.

I have attempted to answer your specific questions and now I would like to add a few additional remarks.

Some things that concern me:

(1) In an attempt to solve our low-income housing problems, I can't help but feel that there are too many methods of subsidization being devised; that they are done more for political and public relations reasons than for practicality.

They tend to confuse those who do the work, add to the tremendous amount of paperwork required, and create additional costs. Since the name of the game is "subsidy," I believe it would be beneficial to restrict the numbers and types of programs used.

(2) In furtherance of this thought, I would like to see you study the rationale of ownership by nonprofit groups, rather than by government bodies or profit-motivated companies. From what I have seen and heard, I have some doubts about these not-for-profit groups being the best vehicle for these programs.

(3) We have done a great deal to subsidize renters, which may mean that we are encouraging "non-ownership." Homeownership does help to create good citizens and I think emphasis should be given toward encouraging it. There are some ways available to us now to do this which will be mentioned later.

(4) One of the nuts-and-bolts, everyday-type problems which discourage homebuilders is the necessity of running the same obstacle course twice while qualifying home buyers.

There are many occasions when FHA has approved a home buyer

only to have FNMA reject the same family. Sometimes it is hard to believe that these two agencies are members of the same government, much less the same department.

It is my understanding that Congress instructed FNMA to buy certificated 221(d)(2)<sup>1</sup> mortgages without further qualification of the buyer after FHA approval, but FNMA chose to rely upon other regulations which gave her an out.

I have the greatest respect for those who have guided FNMA both in Washington and here in Atlanta and I know that people like Mr. Stan Baughman and Mr. Frank Greer, head of the Atlanta FNMA office for many years, are dedicated public servants interested only in doing their job well.

Nevertheless, such policies as the one mentioned do not always contribute to solution of our low-income housing problems.

(5) During the summer of 1965, FHA saw fit to eliminate the 40-year provision of the 221(d)(2) program, and make mortgages no longer than 30 years. For a family purchasing a \$10,000 home, this increased the mortgage payment by about \$5 to \$6 per month and the necessary income by \$20 to \$25 per month. Or, stated another way, it had the effect of eliminating a bedroom from a home they could afford.

Additionally, the three interest rate increases which took place during 1966 practically finished off the low-income sales market, these increases costing approximately \$5 more per month on a \$10,000 house.

(6) Substantial local ad valorem tax increases throughout the country, and especially significant in Florida due to a change in assessment practices, were an effective coup de grace. The mortgage term, the interest increase, and the local taxes, taken together with increased costs of production, have boosted the price of homeownership from \$25 to \$35 a month in the past four or five years, so that a home on which the monthly payments were once about \$55 are now \$85 — an astonishing rise of more than 50 percent.

(7) Recently I have been working with FHA on a rent supplement project and with our local housing authority on a turnkey project. For Gainesville, I thought a density of about 10 units per acre would be ideal. Yet FHA, following what they interpret as the intent of Congress, has required me to plan about 16 units per acre.

On the other hand, the local housing authority talks in terms of about five units per acre. They are both concerned with the same kind of people in the same city at the same time with the same problems, motivations, and so forth.

I would like the record to be clear that I am criticizing neither the local FHA nor the housing authority people, both of whom are doing their best. Obviously though, they can't both be right, and I am led to conclude that the directives, instructions, and legislation from which they work have to be the cause of the differences.

This is one of many variances that exist all down the line and I

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<sup>1</sup> See page 82.



think that some attempt should be made to resolve them. I do not mean that we should strive for uniformity for uniformity's sake, but rather, to reach the best solutions.

(8) When an enthusiastic effort is made to house low-income families through homeownership, there has got to be a number of errors, and so I think it would be well if we were able to devise ways to reduce the cost of mortgage foreclosure, and resale procedures. Several possibilities suggest themselves to me, and I would like to recommend that you explore further in this area.

## Ways to Reduce Mortgage, Resale Costs

It is my understanding from Assistant Secretary Brownstein and his aides<sup>1</sup> that the costs involved in the foreclosure and resale of a \$10,000 home are approximately \$3,000. Personal observation indicates that some of this cost can easily be eliminated.

(9) I think an attempt should be made to cut down the rules, regulations, requirements, forms, conferences, and paper work necessary in the various housing programs. These things create additional cost and confusion, and I believe that in the long run they cost more than they save.

Recently, FHA required that builders keep a special bank account for customers' deposits. I don't believe that an insurance agency has the right to make that kind of demand. They have created an extra bookkeeping procedure; and, the guys who are going to steal deposit monies aren't going to be stopped by this requirement.

Hopefully, it appears that FHA and HAA [Housing Assistance Administration] are taking steps in the right direction. Signs of it are apparent in the new FHA multi-family processing techniques and in the turnkey program of HAA.

My recommendations are these:

As to *construction cost reductions*:

(1) Building codes must be modernized. (2) Labor unions must be convinced that more productivity, rather than less, is in the best interests of everyone. (3) There should be a very substantial training program to create skilled construction workers. The existence of an overabundance of unemployed Negroes and a shortage of manpower is ridiculous. I might mention here that I am dead set against "sweat equity." (4) Encourage local communities to reconsider zoning and land development ordinances, and request that local planners lead the way.

As to *mortgage credit*:

(1) A new system of analyzing low-income people should be introduced; this system should include personal interviews when necessary.

(2) In mortgage credit analysis, FHA should give primary consideration to family income and motivation and very little consideration to other facets that are now considered.

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<sup>1</sup> Federal Housing Administration.



(3) Some of the money that is expended in OEO-type programs should be spent among potential homeowners. When a family indicates a desire to buy a home, it should be referred to a service that will help with budgeting, debt elimination, job improvement, etc. Our experience doing exactly this kind of work shows it to be moderately effective.

(4) The differences in standards between FHA and FNMA should be resolved so that when a mortgage loan is approved by FHA, it will be accepted by FNMA.

As to *encouraging homeownership*:

(1) Local communities should be sold on the idea that a partial tax abatement system for low-income families who are buying their own homes will produce more revenue than either public housing or slums.

(2) Make available to potential homeowners some of the same advantages that are given to renters; if we believe in the 3 percent interest rate, try using it with some of the upward mobile of our Nation.

(3) A lease/option program provided for in the Housing Act of 1965 has been killed by FHA because, I believe, it is considered unworkable, but this program has strong possibilities and I would recommend its use.

(4) Consider once again the 40-year mortgage specifically for Section 221(d)(2) cases.

(5) Consider a flexible mortgage payment schedule in which a family that misses a payment has an opportunity for restructuring their mortgage. This would prevent an awful lot of foreclosures and the attendant costs to both the Government and the families. Present foreclosure procedures are not satisfactory and it is quite impossible for a family that falls behind to ever catch up again.

(6) A period of stress arises during the first one or two years of homeownership, so counseling and guidance programs should be made available to homeowners who once again may have problems with budgeting and other circumstances surrounding a new way of life. These services should certainly include family planning and marriage counseling as well as economic advice.

As to improving *housing agency procedures*:

(1) Some standards should be developed for what we really want for low-income families. Should we have a density of 5 units per acre, or 16 units per acre, or something in between? Is it better for interior walls to be plastered or should they be concrete block? Dozens of questions like these need resolution.

(2) FHA should reconsider that in its basic function of insuring mortgage loans, they have become engulfed in administrative red tape. Perhaps an outside consulting firm could help eliminate unnecessary regulations and simplify the ones that must exist. Other housing agencies should be encouraged to do the same. To the credit of FHA, I must repeat that there is evidence of movement in this direction.

(3) Thought should be given to reducing the number of subsidized programs. There are some apparent solutions suggested in the new turnkey program where the building industry can produce housing at

a normal profit. At the same time, there should be a re-examination of the part that nonprofit organizations should play in housing.

(4) The entire financing picture should be examined. Discounts on construction loans and permanent mortgages are paid with the same green dollars as other expenses; yet they are often not considered in cost analysis.

(5) A study should be conducted with the aim of reducing the cost of foreclosure. This would produce very substantive results.

In conclusion, I think that the most positive step made in the direction of solving the type of problems that we have was the creation of this Commission and the appointment to it of such distinguished citizens. This is the most encouraging advance made since I have been a member of this industry and I trust your recommendations will be well received by and most beneficial to the entire Nation.

Appearing before you has been a most satisfactory and exciting experience for me. I wish to thank you for your attention.

## QUESTIONS BY COMMISSION MEMBERS

MR. DOUGLAS: We will conduct the questions this afternoon on the precedent which was set this morning. Each Commissioner will be limited to one question, and we will move more rapidly down the line. Mayor Vandergriff?

MR. VANDERGRIFF: *Thank you, Mr. Chairman.*

*Mr. Emmer, although I do believe you did insert the fact that after hearing Reverend Borders this morning you might have changed your mind about nonprofit organizations sponsoring this type of housing — if I interpret your remarks correctly, you take a cautious or a dim view. Of course, Mr. Robinson speaks so enthusiastically about the plan. Now I want to make sure that I understand a point that you're making.*

*I'm in the automobile business. In fact, I flinched a bit when you talked about the cars with the bad transmissions. In our business, we do have some flexibility, and oftentimes, we assume some risk in financing those automobiles.*

*Are you saying that you think it would be wiser for us to have a policy of financing single-residence purchasing by individuals who perhaps do not have a great deal to recommend them in credit, rather than cluster them together in the type of facility that some of the nonprofit groups have sponsored? Is that what you're saying?*

MR. EMMER: I'm not satisfied with some of the stories I have heard as to the results of the nonprofit group. Some of the nonprofit groups are in the business for obvious reasons other than what is attributed to them. This probably doesn't hold true to the Wheat Street Baptist Church, which I know has done a great job.

A personal friend of mine has worked with that group here in Atlanta, and it probably doesn't hold true of Mr. Robinson's group. But there are a number of nonprofit organizations that have gone into this business for the wrong reasons. They have been promoted

into it by developers or builders such as myself; in many cases, for some fast money, or they feel that they are going to own something that is going to have a great deal of value at a later time.

So I feel that we have to look again at the reasons for putting non-profit organizations into the housing field. I really feel that this is a gimmick method of creating housing.

I think we introduced a middleman who may not in every event be acceptable. But when they do a good job, they probably do it better than others.

As to dealing with low-income families, I would like to say, again, gentlemen, the name of the game is "subsidy." If we want to give good housing to our low-income families, we should expect to spend about \$1,000 a year or more on each family.

I know Senator Douglas was very active in creating the rent supplement program, and I know that our industry can probably house these families — we could do it cheaper than public housing probably. But I don't know how much cheaper, and I don't know if it's going to prove worthwhile.

Now, if we are going to have to spend \$1,000 a year to house each low-income family, let's try a little harder to house them with little or no subsidy through a homeownership program where they can indeed buy their own home. And, let's not be too concerned with the number of foreclosures, since the housing units will now be available to other families in the same income market, and we are, therefore, increasing a very necessary housing inventory. I am personally not concerned that these funds are coming out of FHA insurance reserves because the loss to these reserves is far less than the \$1,000 per year per family subsidy, and we are saving substantial money in the long run.

I hope I make myself clear.

MR. VANDERGRIFF: *I think so. I appreciate your point.*

MR. DEGROVE: *I will address this to Mr. Emmer. Phil, it's a real pleasure to have you appear before the Commission. We are old friends, and we have been discussing and arguing over this problem for a long time.*

*I know your commitment to single-family dwelling as a solution to the low-income housing. Did I ever manage to persuade you into 221(d)(3) projects at all?*

MR. EMMER: I'm going to have to agree that (d)(3) projects don't work in a city like mine for a low-income minority group.

MR. DEGROVE: *I think Mr. Emmer was too modest in talking about his own work. I know from personal experience that he has done a remarkable job of trying to provide social services when he was receiving no profit or money for it. I know he has worked especially in attempting to develop sound building procedures.*

*Phil, let's go down the road of the single-family dwelling for a minute and go to 221(d)(2). Given reasonable maintenance, how long will one of your London Estates houses last?*

MR. EMMER: I have no reason to believe that it wouldn't last 40 or 50 years or longer. Giving reasonable maintenance means doing



those things that must be done to any home. In 10 or 15 years you can expect your roof to need replacing. Every two or three years, in our climate, and with the kind of construction we use, you're going to need to repaint the house.

Of course, housing changes will probably cause them to be torn down before they fall down.

## A Fifty-Year Mortgage?

MR. DEGROVE: *All right, then, what would be your attitude toward a 50-year mortgage instead of a 40-year mortgage?*

MR. EMMER: I think I said, "The name of the game is subsidy," so why don't we take it?

MR. DEGROVE: *If you have a 50-year below-market interest rate, 3 percent mortgage, what would you do with your \$10,000 house?*

MR. EMMER: Well, I have never figured it on a 50-year basis, but on a 3 percent mortgage, we are probably talking in the neighborhood of \$30 a month mortgage payment. Now, as I mentioned, we have the local taxes, which have become a fearsome thing, so on a 50-year basis, I guess it wouldn't drop very much, because the fact is that it's almost all interest in its earlier years, so maybe it would be \$28. I would say that the 40 years is as good as any.

MR. DEGROVE: *With the longer period and the lower interest rate, could you get back down to \$55 or \$65 for a total monthly payment?*

MR. EMMER: Obviously, at this time we could, but I would like to say that I wouldn't recommend the 50-year mortgage. If we are going to subsidize the interest rate, I don't think that term is necessary. You don't gain that much more from the longer time.

MR. DEGROVE: *Are you building any (d)(2) now?*

MR. EMMER: Very little because of the points I just mentioned. Only those I'm committed to. Now, I want to make some money.

MR. DEGROVE: *What are your (d)(2)'s now going for — I mean, in terms of monthly payments — \$85 a month?*

MR. EMMER: Lowest price is \$75 to about \$93 — whereas they used to be \$54 to \$59.

MR. RAVITCH: *Let me say also that I found all three witnesses extremely responsive to the Commission's inquiries in many areas. I was very interested in your testimony, Mr. Emmer, and I would like to ask you the following question. I should probably precede with a statement.*

*There has been much discussion directed to the form of ownership — whether a nonprofit owner, or single-family owner, or rental project is the most desirable way of producing housing for low-income people. Assuming construction costs and land costs per dwelling unit to be a constant figure, does any economic difference to the housing consumer really arise out of the form of ownership?*

MR. EMMER: If I understand your question correctly, yes, there is a difference for the family we are dealing with, and the towns in which



we are located. Homeownership is the most profitable thing. Also, where we are, in the small southern communities, the people want a yard.

MR. RAVITCH: *Excuse me. I recognize in communities like yours that it might be preferable. But my question was, is there a difference in the economic impact on the housing consumer by owning his house as against renting, or against renting from a limited dividend owner or a nonprofit owner?*

MR. EMMER: Does the —

MR. RAVITCH: *Is there a difference in the annual cost to the family by reason of the difference in the nature of the ownership?*

MR. EMMER: Maybe I don't understand your question.

MR. RAVITCH: *The point I'm trying to make is that you said in your testimony the homeowner ought to be given some of the same advantages that the renter gets. I think you were driving at the below-market interest rate mortgage financing available under (d)(3).*

*I think that when you analyze the economics of providing unit occupancy, that the mortgage payment and the real estate taxes are a function of cost and value, if you will, and not a function of the form of ownership; that the profit inherent in limited dividend ownership as against nonprofit ownership is very, very small — it's the difference between a 6 percent return on a 10 percent equity; and that the same thing goes for the homeowner. And I wonder whether, in light of the nature of the urban problem, what you suggested isn't true: that is, that we ought to be thinking about giving to the renter the same advantages that the homeowner gets, which is mainly the deductibility of the real estate taxes he pays and the interest payments on his mortgage.*

MR. EMMER: I wouldn't agree with that, Mr. Ravitch. In my type of areas — I'm not speaking of the large cities of the North or Midwest, but of small southern cities — I feel many, many important things have occurred because of people purchasing a new home. We saw better attendance in schools, fewer dropouts. People got better jobs.

We had a woman who made \$20 a week for 23 years working for the same employer. She bought a home, and she couldn't afford that \$20 a week job, and she went to the hospital and got a \$200 a month job. These stories repeat themselves over and over again.

MR. RAVITCH: *Do you approve what is known as the Percy Plan?*<sup>1</sup>

MR. EMMER: Starting last November I have been advising Senator Percy, and I have found many points that I don't agree with. There are many things in the plan that are too cumbersome.

He said the things that are very important to all of us: homeowner-

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<sup>1</sup> S 1592, introduced in the 90th Congress, 1967, by Senator Charles Percy of Illinois, would establish a National Home Ownership Foundation to encourage home ownership among low-income slum dwellers. The Percy plan calls for chartering a private, nonprofit foundation to provide low-interest loans to local nonprofit or limited-dividend corporations that would build or rehabilitate housing for resale to persons of low but regular income; and technical assistance to help local sponsors gain the expertise for planning and executing a successful program.

ship and private enterprise; so if we can combine homeownership and private enterprise, I'm sure we all approve of that. But I feel that some of his ideas aren't workable at the present time.

MRS. SMITH: *In your testimony, Mr. Emmer, you mentioned among possibilities for construction cost reductions, encouragement of local communities to reconsider zoning and land development ordinances, and you requested that local planners lead the way.*

*I'm not quite clear as to what that is. Do you mean specification of roads — location, property setbacks and street lighting — and so on?*

MR. EMMER: I think I can answer your question with examples with which Dr. DeGrove is familiar. In a community like Gainesville, the developer is always treated with a great deal of suspicion and his projects will be generally considered "unholy." When people make a profit from the sale of groceries or hardware, the term used is "profit," but when the same profits occur in land sales, they are called "speculation." The attitude of the community is one of great suspicion toward the builder-developer. Maybe it should be, but this causes difficulty in having the developers initiate sounder and more economic zoning and land development ordinances.

We are running out of room now and it is sinful to waste the land we have left. But when the developer suggests denser zoning, the suggestion is always considered as one which will enrich him, and not one to preserve community land.

Since local planners are responsive to their local city commissions, I think that the planners should make the community leaders and politicians aware of our land-use problems and lead the way toward reform. The same is true with development ordinances where roads are wider than necessary and where standards are sometimes foolish. When a planner leads the way in making these changes, there is a better possibility of accomplishment.

MRS. SMITH: *On land development ordinances, do you feel there are specific savings? Have you got dollar signs on these specifics?*

MR. EMMER: Yes, yes, I do, indeed.

MRS. SMITH: *Thank you.*

MR. JOHNSON: *Mr. Robinson, I'm sure you have had a very interesting experience in visiting various nonprofit groups with respect to the 221(d)(3) housing. If you would, enumerate now for us some of what you believe to be the most frequently encountered stumbling blocks, the difficulties that seem to come most often with respect to the creation of these groups?*

MR. ROBINSON: Well, actually, my experience has been rather pleasant as opposed to the difficulties and the problems which have been commonly associated with nonprofit organizations, the major problem in terms of getting a program going, and especially the way we do it.

You see, we have attempted to represent nonprofit organizations. The nonprofit takes the position of an owner, and as such, he assumes all of the normal cost responsibilities. So we discourage and attempt to avoid advising nonprofits to follow the lead of a builder or anyone interested purely in the development of a project. We encourage them

to exercise the initiative, and this, of course, brings about the problem of money.

We have 3,000 units in Dallas, Texas, that are owned and operated by nonprofit organizations. For some time we held a record in terms of processing time through FHA — four months and 20 days — for a 300-unit project sponsored by a Baptist church in Dallas that is managed by a firm that developed really out of the project. And the major subcontractors and many of the people employed were people from the community, and this project has experienced fantastic success.

Now, we are working with limited money, and I think that I have become an expert in poor-born projects. This is what we have to do. We have had to get land options for a dollar and a dime promise. We have had to get architects to work with us on a contingent fee arrangement.

Generally, after we have firmed up exactly what we want to do, we put projects out for bids and we have an unusual requirement in our bidding on (d)(3) projects: we like to see how many builders can come up with the most Negroes, people in the community, who can play an active part in the development of this project.

Of course, it does not mean that we can rebuild the world all at once. But I think that portion that we are involved in is better because of our procedure, and the community, of course, is certainly involved in and feels a sense of commitment to the project.

MR. JOHNSON: *Thank you very much.*

MR. WOODBURY: *Mr. Robinson, you also referred to the rent supplement program. May I express one doubt I have — not about the present program, but the proposals that are sometimes made to enlarge it — and then ask if you agree or would care to comment?*

*I stress that this is just a doubt. With the present limitations, I am for the rent supplement program. But if it were enlarged, I would fear that it would lead to a reduction in the standards that are set for the housing for which rent supplement can be made.*

*In any large city, you don't have good housing and bad housing. You have an infinite gradation, from the very rock bottom slum to the best stuff in the locality. Well, somewhere in the supplement program you have to say, "Anything below this point we want subsidized and we want to make available."*

*But who says this and how do you maintain it at any reasonable level? We have seen this, of course, in some of the programs in welfare agencies. And they keep sliding the standard down, until pretty soon the public monies are going to support some of the worst stuff in the town.*

*Now, my question is, do you feel that rent supplement is a program that might be expanded beyond its present limitations in the Federal law? And if it were so expanded, would you agree that this would be a serious problem?*

MR. ROBINSON: *Mr. Woodbury, I would say that I am certainly in favor of expanding rent supplement to take what I consider a very necessary role in this whole matter of providing housing. As to the*



standards set, we were advised that the reason for this was that many of the senators and congressmen in Washington felt that the standards should be set which would not allow a person to feel, "Such and such has been subsidized, and they are living in a better house than I have."

Naturally, this is a shortsighted view, especially when we look at the 608 program.<sup>1</sup> When a lot of 608 housing was established and built, it was understandably built in a period of great housing stress, but this housing has not been able to maintain itself over the long-haul market, so you find that a lot of these properties go back to FHA.

We find where a project or an employment is large enough to accommodate a family, it generally has a much better chance to sustain itself. I think that one of the problems that has come into focus in terms of rent supplement is the fact that it does not work the same way everywhere.

Rent supplement does not work in highrise construction in New York City. It is difficult to work in Chicago. In many of your major metropolitan areas it will work only if it is coupled with the 3 percent interest rate, and then it barely gets by.

We are suggesting really that we need more flexibility in the program. To expect the same program that worked in Selma, Alabama, to work in New York City is certainly naive. We feel that with the same standard generally used for the below-market rate program applicable to rent supplement projects, we could cover a broader segment of our rental market. I think that whereas we have got right now some \$20 million set aside for rent supplement programs, in order to really make an impact this should be 10 times as high, in order to service the people we never do service.

I am firmly in favor of taking the best of both worlds — rent supplement and below-market rate programs — and joining them to give a program that I think will serve the whole nation.

MR. WOODBURY: *I guess my doubt is focused largely on the use of the rent supplement on existing properties.*

MR. ROBINSON: Well, I would like to go one step further. I think that ad valorem taxes in our metropolitan areas tend to encourage and support slums. The tax system actually subsidizes slumlords: because their property is not properly maintained, it gains a low evaluation, and thereby the owner can rent it cheaper and avoid paying taxes. I think that this is far more dangerous than giving too much help in this area.

MR. DOUGLAS: I want to save time for statements from the floor, but first I want to ask Mr. Ravitch if he has a question.

MR. RAVITCH: *I have a brief question to ask you Mr. Robinson. The projects that you have created, are they integrated?*

MR. ROBINSON: Well, they are for the most part constructed in areas which are pretty well-defined residential areas in terms of ghettos; so you find a lot of the projects are 100 percent Negro. We have done

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<sup>1</sup> Section 608 of National Housing Act of 1934—FHA mortgage insurance program under which private builders constructed considerable housing inventory of questionable quality; program no longer in effect.



projects in other places where you have land available in fringe areas and there you have some integration.

An example was Waco, Texas, where the project was developed by five Negro churches, and 70 percent of the occupants were white. We attempted to achieve integration in these projects. But we think that all kinds of housing are needed. We need to improve the ghetto. We need to make housing available outside the ghetto, and for other projects for nonprofit organizations, we are very optimistic. These projects are not in operation now, but they are situated in areas which we think will lend themselves more to a balance of racial integration.

## PUBLIC WITNESSES

MR. DOUGLAS: We want to encourage and provide opportunities for statements from the floor. I would first like to ask Mrs. Eronona Clayton to explain to us what SWAP is. I believe it stands for Southwest Atlanta Projects.

MRS. CLAYTON: Do you want to ask me questions or do you want me to talk first?

MR. DOUGLAS: If you would, just explain SWAP.

### **Mrs. Clayton: Significance of SWAP**

MRS. CLAYTON: SWAP is a voluntary program in the Cascade area of the western section of Atlanta. It is a group of volunteer citizens, both Negro and white, who meet regularly. The meetings take the form of a forum where the member expresses himself very honestly and openly with either favor or discontent.

They express their fears and animosities. We are very proud and enthusiastic about these aspects of it. Unfortunately, we have had some political influence, and that's bad, because any time a voluntary program becomes political, then you have some stumbling blocks. But this group of Negroes and white people who get together regularly are interested in maintaining an integrated community, and learning about each other by character and not by coloration.

It's been a marvelous therapeutic center in terms of understanding people. It has had a transfer relationship to other communities in Atlanta. We have communities on the other side of town that have been motivated and inspired by the work we have carried on in our area to the extent that they have invited us to come out and do a kind of SWAP in reverse.

We need the support of everybody in a project like this, because the community can't do it alone, although praise is due the group having done as much as we have done in spite of the adversities.

The main thing that we can say is this — the greatest success of a program like ours is to close the gaps of flight. Most often white people feel that if they move into the segregated areas on the other

side of town the Negroes will not come, and they will feel very comfortable. This is a misapprehension. It is based on fear. We aim in our project to dispel the fright, changing the negative attitudes where they prevail and moving towards an integrated, solid community, because when you have flight in motion, the city then becomes diminished in terms of its strength.

Any time you have citizens moving away — not contributing to the welfare of the city — then this automatically weakens and diminishes the strength of the city. I have never had any experience more rewarding than this, because this is the first time I have seen southern white persons express their fears and their new realizations have come to a point of reality at this time.

We have had such marvelous dialogue. SWAP means to exchange, and that's what we have done in this area. We have had an exchange of opinion, an exchange of ideas, an exchange of neighbors and an exchange of friendliness. We have learned to love each other, and we would just recommend that everybody come out and see it — not only see it, but practice it in your own communities.

MR. DOUGLAS: *Mrs. Clayton, this organization sounds somewhat similar to one we have in a Chicago community. May I ask how many families are in the neighborhood which you cover?*

MRS. CLAYTON: I'm familiar with the program in Chicago. We are in the process now of doing a survey. These are not the actual figures — but we have about 1,500 to 2,000 families.

MR. DOUGLAS: *What percentage are Negroes and what percentage are white?*

MRS. CLAYTON: We think at this point we have about 20 percent Negro.

MR. DOUGLAS: *Do you think there is a critical percentage beyond which you will get a white exodus so that you will not have a continued integrated community? Is there such a critical percentage, and if so, what do you think —*

MRS. CLAYTON: Yes, it will be reflected in the schools. This will definitely happen in the schools. In the elementary grades [in our area] there are about 40 percent Negroes. In the high schools there are only about 20 percent Negroes. You have got a great difference there in percentage. Just last week we had a meeting with the school board officials, and I think they are hoping to work out planning to establish something that will take care of this.

One thing we are really concerned about is that the whites feel if their children are placed in a school with that high percentage — 40 percent — that the next year it will be higher. And then their white children become minorities, and they have not been accustomed to that, and it places them in a very peculiar position. We are having to deal with the fear of people, and as long as it's a real fear to them, we must handle it. That percentage in the school, by the way, is not reflected in the actual community.

MR. DOUGLAS: *You have got a margin of safety above 20 percent?*

MRS. CLAYTON: Right.

MR. RAVITCH: *In your opinion, do you think a passage of a fair housing law in Atlanta would help or hinder your efforts?*

MRS CLAYTON: I would be in favor of it. They are saying that a Federal law would be some help to us. I'm not a legislator or a politician, but I'm going to voice a lay person's opinion. I feel that a fair housing ordinance would be a help, because what we have found out is that people are so willing to run now as long as they feel they can go to the other side of town and Negroes will not come.

But we feel that eventually Negroes will be all over, and then they will not run as quickly, because economically it's very unsound.

MR. DOUGLAS: Any other questions?

MR. WOODBURY: *How long has SWAP been swapping?*

MRS. CLAYTON: SWAP in its organized form has been in existence only about seven months. The first Negroes moved into the area about two years ago, and there were two reasons why SWAP wasn't SWAP. There was some real fear at the time with one or two moving in.

Of course, one can chase them out, but it wasn't really threatened, and we had a tight money market, which forced a lot of whites to stay. We have actually been organized since January.

MR. WOODBURY: *I see. Could you give us some idea what type of people are in that area?*

MRS. CLAYTON: They're in the middle-class income. The homes range from \$28,000 to \$40,000; so we feel that the average is \$30,000 to about \$35,000.

## Edgar Schukraft: More Than Race Issue

MR. EDGAR SCHUKRAFT: I just want to emphasize what the lady had to say about the area. I'm an old resident from that area. I started the urban renewal project in this area. This very place right here was through a movement of mine, and it has become a reality.

We are now asking for 300 more units in this particular area. We are much interested in the area which has been described and is known as SWAP. We are not looking at it from a racial viewpoint. I think that's where many people are making mistakes — looking only at the racial angles. We ought to look at it from an economic viewpoint. We are interested in economics and the better life. Now, the area out there has a great potential. It has the Fulton County industrial development, the great southwest industrial development — Six Flags over Georgia, Greenbriar and other things.

We have made a slight study of some of the things that go on out there. We find that the Negroes moving into our area are slightly better off than the white folks economically. And I hope to be on the board of the Holy Family Hospital, which was moved out there.

Our troubles, as far as the type of Negroes and the white people we have out there, I think we can resolve — not only to the glory of Atlanta, but to the State and probably the Nation. We have a great thing that we think is possible.



I will be very willing to answer any particular questions. But coming back to this particular area here, you know, it's one of the oldest areas in Atlanta, and we have this urban renewal project, which involves some \$13 million that we are now seeing or will see within three years. If we look at the economy of it, we won't have to bother about race.

We have had a racial question in this area for 35 years — dynamite and everything else — and we are well aware of the things that won't work. But we do think that in the realm of SWAP the things that we are talking about over there can work, and we are very happy to have the type of politicians we have.

Another thing SWAP is doing — we believe that the homes must be kept in good order and that the schools must be excellent. We feel that in an area of transition that we can have good sanitary conditions.

You can keep your housing in good order and have good schools above everything else. The mayor probably has told you that in 1983 we will have about 68 percent Negroes. We must lay the ground right or we will be destroyed. We want to be a real vital part of this project.

MR. DOUGLAS: There is a general tendency for the Negro population to feel shut off from these hearings. Generally the white person takes over and dominates the hearing. So I would like to say that the first Negro who wants to testify will get preference over anyone else. I'm sorry, but we have to do that.

## **Dr. Davis: Criticism of Public Housing, Renewal**

DR. ALBERT DAVIS: I'm sorry because of my race or complexion that you would assume that I would discuss a racial problem rather than a technical problem, and I certainly don't want to disappoint you.

MR. DOUGLAS: I figured that might be coming.

DR. DAVIS: I would like to repeat a few facts pertaining to public housing. Many of these facts you're perfectly aware of — some I hope that I can make you cognizant of.

Atlanta is the third most segregated city in this country as far as housing is concerned. Negroes in Atlanta live on less than 22 percent of the land here, and we constitute 47 percent of the population. The Atlanta Housing Authority, by its indiscriminate use and clearance of land under Federal programs is doing everything within its power to reduce land occupancy by Negroes.

If you look at the maps, the Negroes are in the northeast section of town, which is slated for clearance and later for commercial development. But there is no program now for relocation of Negroes back into this area. They have gone to the southwest section of the center of Atlanta with another program which is questionable.

In this program we have no Negroes. We have no member on the technical advisory committee, and we are not consulted in the pre-planning phase; so here, again, under the guidance of the Federal Government and the Federal subsidies, we are excluded categorically.



As you go around the circumference of the city, you will find that urban renewal is the next biggest problem. The Housing Authority is solving a problem like the surgeon tried to solve cancer with mercurochrome and a bandage.

You have heard that the Housing Authority is appointed by the mayor. Well, there are five members and they have a term of 10 years. It is the only housing authority in the country that handles money for local areas that have tours of duty for 10 years. I would suggest that this monopoly on large sums would bring about some questionable actions on the part of anybody representing the public.

I want to call your particular attention to the Palmer House. It is the most recent highrise house in this city. It is located in the northwest section, or on the borderline of the northeast section. They have 500 units in this building for the elderly — I'm sorry, they have 250 units. There are no Negroes in this highrise apartment building. It's completely a white highrise home for the elderly.

MR. DOUGLAS: *May I ask a question? Do I understand you to say that there was no Negro member on the Housing Authority?*

DR. DAVIS: No, I did not say that.

MR. DOUGLAS: *Is there a Negro on it?*

DR. DAVIS: Yes, there is on the Housing Authority. There ought to be two or three more Negroes on it.

MR. DOUGLAS: *There is one out of five?*

DR. DAVIS: Yes, sir.

MR. DOUGLAS: *There's one on the Citizens Advisory Council?*

DR. DAVIS: I'm not familiar —

MRS. CLAYTON: There are several on the Citizens Advisory Committee. I don't know how many — about 11.

DR. DAVIS: May I point out to you that the Advisory Committee does not function. If it does, we never hear of it functioning. I would also point out that Techwood has 600 units and it has two Chinese, one Korean, and the rest of them are white.

We would certainly like to indicate to you that we feel that the Atlanta Housing Authority is using Federal funds to resegregate Negroes. Eighty-three percent of all public housing in this city is located on the west side of town — 83 percent.

As you know, sir, we have 9,404 units. But 83 percent are on the west side of town. Obviously, you would realize that this is a Negro area predominantly. We have had difficulty in getting to and relating to the Housing Authority, because the individual citizens, both black and white, would only know a new project was going up when some city official would come up with a gold shovel. The only relationship the Housing Authority has is with the Federal Government. We have asked that no more public housing units be built on the west side until there is a sense of desperation.

If they are built, let's not build a catastrophic type of building of brick and masonry with no facilities — I point to the most recently constructed public housing units in this city — Bowen Homes. There are 650 units. There are no powerhouse facilities at all. The recreation

facilities consist of one sliding board and one gym set. This is the complete recreational facility. You would assume that there would be between 1,000 and 2,000 children with nowhere to play.

Services are poor. Schools are already in double session, so what do you do? You create a slum out of a public housing unit. Our kids are already high school dropouts, because they are in double and triple sessions.

We tried to have some housing conferences in this town, inviting both the mayor, the Housing Resources Committee and the Atlanta Housing Authority, but they failed to respond adequately to our requests, so that we could relate to problems that exist within the housing units.

Not only is there interhousing segregation, but there is intrahousing segregation within the individual housing projects. Many Negroes are located in one section of the units. This has been the general practice of the Housing Authority.

No Negro has been able to advance in the Housing Authority above the level of a manager, and we have had some distinguished Negroes. We have had several people to go from the top manager job in housing units to distinguished positions in the Federal Government.

In the Public Housing Division of the Atlanta Housing Authority, there is only one Negro lady employee. She is not only on the Public Housing payroll, but she was borrowed from Urban Renewal.

There is one final thing that I would like to point out: Atlanta now has two application offices for public housing. One is in a white neighborhood and one is in a Negro neighborhood. When a Negro applies to the white office, his card is categorically sent over to the Negro tenant collection office and vice versa.

We contend that this is wrong. This is using Federal funds to inflict segregation within the city.

Thank you, Senator.

MR. DOUGLAS: Thank you. I think in justice to the Mayor and to the authorities of the City of Atlanta that I should quote from the program which they submitted to HUD on model neighborhoods. On page 8 they say that they will seek in every way to get citizen participation and support for this area of redevelopment and rebuilding which was singled out.

The Mayor addressed several meetings, and questionnaires were circulated to the area residents, and they proposed a very thorough system of cooperation, meeting with the residents of the neighborhood in question. So far as one can judge by documents, and so far as one can judge by general, superficial observation, the city officials have been trying.

DR. DAVIS: I ask you to turn seven pages further and look under the component of technical advisory committee as well as executive committee that are functional units of the Model Cities Program.

MR. DOUGLAS: On what page is that?

DR. DAVIS: If I had it, I certainly could find it for you. It's in the table of contents.

MR. DOUGLAS: Section B, Model Neighborhood Area?

DR. DAVIS: Yes, the administration of the Model Cities area.

MR. DOUGLAS: Thank you. We will read it. And thank you for your testimony.

Let me say, I was not as farsighted as other members of the Commission and I did not pack my bags at the hotel this morning, so I must ask to be excused in order that I may go back and get my things in order. Meanwhile, Mr. Ravitch, would you preside? I will ask Mr. Ravitch to act as chairman. I certainly want to thank all of you for coming, and I especially want to thank you all for the help you have given us.

## **Mr. Jackson: More Attention to Human Aspects**

MR. JACKSON: My name is William S. Jackson. I'm speaking today primarily as a citizen, but I happen to be the Dean of Social Work at Atlanta University, and I'm on the Housing Resources Committee of the City of Atlanta and Chairman of the Social Problems Task Force.

I imagine if I spoke in any of the three categories, I would say the same thing, so you would hear the same message.

I was pleased that Dr. Davis made his comment about the Atlanta Housing Authority, because I wish to comment briefly about certain problems as I see them from my experience. In the community such as ours, he mentioned that 46 percent of the population is Negro, but in 1966 we had 36 percent of the population living on 17 percent of the residential land, which means that Atlanta is fast becoming an urban community for Negroes — maybe not so for the white population.

We know that there is going to have to be a shift from bungalows to highrise apartments. This has been stated as part of the building program of 16,000 units we plan to build in the next five years. But it has been discovered through a study made by students at my school that 75 percent of the people would resist living in highrise apartments.

This study was in a low-income area, and I would like to say here that very seldom do we hear from the builders who are building the houses. Today our concern has been much more about the thickness of the walls than some of the needs of the people, and I think we need to get to that. But about the highrise you really have the whole question of public education of the people.

We also found that primarily the highest income in this low-income slum area was \$4,000 and less. About 50 percent of Georgia is now rural, whereas not long ago it was 75 percent rural. This means that there has been a push in Negroes coming in.

I think, too, that the Housing Authority does not represent — well someone has touched on the racial aspects — but I'm talking about meeting the human aspects. Our authorities have boards made up of business men, lawyers, and industrialists. But this housing is not a physical thing, it's a social problem. There should be persons in the housing authority who can help plan from the very beginning around



social needs, so that we will make sure that the proper resources are in the community and that there will be concern about the recreation in the total community.

I think that our Housing Authority has not made use of the opportunities that are available for bringing in social resources. The Federal Government makes these resources available through HUD. I think we need to push the Housing Authority to do the job or push them out.

MR. RAVITCH: Thank you very much, sir.

Would you state your name, please?

## **Mr. Blankenship: Renewal by Private Enterprise**

MR. BLANKENSHIP: My name is Frank Blankenship. I'm an attorney, and I also hold a real estate broker's license.

Mr. Ravitch, I only had one suggestion I was going to make to the Commission. I have been waiting here since the Commission convened at 9 o'clock, and I certainly wasn't trying to get in line ahead of anybody else that had been here.

My suggestion is that the Federal Government, in making available urban renewal funds, change its ideas toward urban renewal in that a city should grant urban renewal projects either to some large industry or corporation or to a nonprofit housing authority or corporation.

I have no interest in this particular example, but it's just one that I'm familiar with. A family of three people owned a half block of land in Reverend Borders' nonprofit housing project. It was put in the urban renewal area. After the master plan was adopted, they took in this area. The family went to the Urban Renewal Commission and said, "Anything that's in the master plan to build, you tell us what is needed there and we will build it."

They said, "No, when it's cleared, we will put it up for bids and we will build what you submit."

Today on that \$82,000 piece of property is one 16-apartment house. That's typical, and I could give you 10 more examples, but I'm not going to do that. I wouldn't try. But why shouldn't private industry or a private builder who says, "I will put a six-room apartment house, or an eight-room apartment house, or a ten-room apartment house on an equal piece of property?"

MR. RAVITCH: Thank you very much, sir. I'm sorry you had to wait so long.

Is there anybody else?

## **Mr. Ingram: Drawbacks of the Unfamiliar**

MR. INGRAM: I'm Charles B. Ingram, president of the Atlanta Metro Associated Plumbing Contractors, Inc. I'm here today representing that group. We are certainly glad to see a commission such as this hold public hearings in regard to low-rent prefab housing.



Prefab housing per se is fine. But prefab low-cost housing using cheap unproved and untested materials is not. Generally when houses are prefabricated they include many materials that are not acceptable in the area that the houses are to be located.

Why are these materials not accepted? Is it because of (1) loss of labor in the local area from prefab work that is done in other areas; and (2) local contractors' fear of loss of work due to the installation of these materials?

These are common arguments that those in the prefabrication industry use to push their products.

Neither of these is correct. In most instances, these materials are not accepted because they will not stand the day-to-day use they are intended to, such as the instance of Fiberglas bathtubs as opposed to cast iron or steel tubs.

Most people, and especially those who would buy these so-called low-priced prefab homes, are used to cast iron or steel tubs. Now what happens when they come along and find a Fiberglas tub installed in their home? They use harsh cleaners to clean the tub, as they always have, but it discolors or becomes rough, and the more cleaner used, the rougher it becomes. True, it will still hold water and is sanitary, but appearances mean a lot to most people.

Now, the next family lays a cigarette on the edge of the tub. Sound unusual? It's done. Now we either have a fire, hole, or discoloration. The people that sell Fiberglas tubs will tell you that it is easily repaired. Maybe so, by an expert.

Next we come to plastic drainage pipe, such as ABS-PVC. Lightweight, true. But what happens when some of the new modern cleaners are washed down the drain? In this brief statement I will not attempt to explain what happens, but testing reports are available.

As I said in the beginning, we are not opposed to prefab plumbing per se. There are acceptable materials that could be used that are both light and durable. To name a few — copper drainage — steel tubs and lavatories.

Please, gentlemen, do not set in motion in this Nation a move whereby Federal funds are used to support the construction of houses which will be slums and rundown in as little as two years, or for which replacement parts are extinct because a company jumped in and out of the plumbing material business.

MR. RAVITCH: Is there anyone else?

## **Mrs. Wilkinson: Letter from Tenants**

MRS. WILKINSON: I am Mrs. Thelma Wilkinson. They would like for me to tell you that they have already given a copy of this letter to the Atlanta Housing Authority here in Atlanta and also to the manager of the Carver Homes. I will read it to you:

"Atlanta Housing Authority, 824 Hurt Building, Atlanta, Georgia 30303.

"Gentlemen: We, the tenants of the Carver Homes community, are most grateful and appreciative for our lovely living quarters. We know so many of us will never have any better homes to live in. We believe your office is using Federal funds to the best advantage of our people, trying to improve living conditions.

"We believe that because we live in the community, we know some of the problems that exist. We realize that each of us has a part to play in keeping our homes and community clean and wholesome, in order to be an asset to our rapidly growing city.

"For some unknown reason, we have recently been plagued with numerous robberies, vandalisms, and rapes. We would like better and stronger window screens, because in too many instances burglars have torn the screens and jimmied the window locks, and thereby gained entrance into our apartments.

"Because of bad working conditions, we need the following: new stoves, refrigerators, and hot water tanks for the entire 990 units.

"Rats and roaches plague us all. Many of us have purchased extermination services. Unless the extermination is done en masse, our efforts are in vain. We do not believe that we can continue in good health if these filth and disease agents are to continue to dwell with us.

"Our fall-out shelters are in very poor condition. They need cleaning and some type of lighting system installed. We are in need of flood lights in back of the buildings. There are numerous things happening in these areas.

"Because of the toughness of the grass, and there being elderly persons, widows and some tenants without boys and funds to pay someone to cut the grass, the maintenance department should be responsible for the cutting of all grass.

"The painting of apartments takes place every five years and with the lowest priced paint. The walls peel and look very bad. We want better paint and a paint job at least every two years.

"We need more and powerful manpower units for the minor problems.

"The tenants would like to meet with someone from your office to discuss this with you further. Your promptest reply would be much appreciated.

"Yours very truly, Carver Homes Tenants Association, Mrs. Laura Heath, President, Mrs. Lois Williams, Secretary."

We further have this bulletin that was placed ---

MR. RAVITCH: I'm sorry that we have to limit you, but we will make this bulletin a part of the Commission's records. [Placed in files.]

## Reverend Samples: Look into Public Housing

MR. SAMPLES: To address this distinguished Commission is a feat within itself. This report will not deal with a myriad of statistics, because there are already numerous studies gathering dust that have not been implemented.

My name is Cadmus Allen Samples. I have lived in Perry Homes Housing Project since 1955. My family has grown from three to seven in this span of time. This is a 1,000-family apartment complex. We have made this apartment a home, but have no intention of permanently residing here.

The dream of homeownership, and all the other normal ambitions of a family solidly remain in our minds.

Public housing: Atlanta is the pioneer in this field; they are after 25 years still pioneers. The whole concept of public housing needs to be looked into, like the government did for the safety of automobiles, and pass a comprehensive law to deal with problems such as these:

- (1) The admission policies are archaic and inflexible.
- (2) The tenants, once admitted, are treated as growing children by the managers. Each manager has a domain, and he is the king on the throne.
- (3) The present executive director is uninformed, or acts uninformed, on living conditions, high rents, excessive gas, grass, paper, repair charges, summary evictions, and bad communications and public relations between tenants and management.
- (4) Recreation facilities and meeting places are in a real sense almost nonexistent.
- (5) The Atlanta Housing Authority encourages tenancy to be transitory and without stability.
- (6) The Board of Directors deals for the most part with fiscal matters, the directors have 10 years in office, and they are completely out of touch with the people who have to use public housing and try to make it home.

Low-cost housing: We live in the Fifth Congressional District. The median income is far less than the national average. For the most part, the Negro population, which comprises nearly half of the population, works in the area of service capacities. The pay is very low and has been for a number of years.

While we do not apologize for the white man working us all these years on a wage he knew we could not possibly live normal or decent on, no attempt was made by the city or the state to enact legislation to get a fair wage, decent working hours or a fair housing code, or open occupancy.

The mayor then, the mayor now, and others then and others in the city hall today, are saying they need help from Federal sources. While this may be true, have they in a real or in any sense tried to do what they could do locally with Atlanta's great resources before going begging to the Federal Government?

The Federal Government did not advocate segregation in rest rooms, restaurants, housing, employment, prisons, politics, zoning and so forth.

On these low wages that the white folk paid Negroes in the Fifth Congressional District, they built substandard dwellings, but they built homes. They could not obtain loans, but they built anyway.



Today loans are equally as difficult to get. For home repairs, the same problem exists.

The present Fifth District Congressman is a freshman, and with his previous public background would not impress us as being sympathetic to the needs of the disadvantaged with a positive program of self-help. The former Congressman is sympathetic to the housing problem, and would if re-elected to his former position do something about housing and repair loans for the poor and elderly citizens.

The way the urban renewal program is tearing up Negro communities in Atlanta, banks will not finance new or old housing, and the code violations cannot be met. This is a trick that the good citizens are in, over by the Atlanta Stadium in the so-called Model Cities Section.

City Planning: The city plans apparently by ear. How could you possibly condemn a dwelling unit and then allow a four-, six-, ten-unit apartment to be built in a residential area? This is done all over the city in predominantly Negro areas.

Also adjacent to the Perry Homes community more than 1,000 apartments were allowed to be built a few years ago by private developers, when you knew the sewers were inadequate then and are more so now.

Contiguous to that in the Rockdale Urban Renewal area some 16,000 more apartment type units are planned, and some several hundred additional units added to Perry Homes' 1,000 units. No plans for additional schools, which the city allowed to be super-crowded, and other city services handled on a token basis.

This is a brief for the record in this city, but there is much more that can be said and has been documented. If your Commission is in a position to influence legislation or get the President to do something, then we will categorically answer to specifics.

Thank you very much.

MR. RAVITCH: Thank you very much, sir.

I would like to say this to Dean Jackson. We had testimony this morning to the effect that the Authority did not necessarily subscribe to the directive from Washington in connection with the location of public housing. I think the Commission would be very interested, in connection with the remarks you made and those that Dr. Davis made, in a written statement on the subject with any further remarks.

We are by no means interested in hearing the testimony only of local public officials. We are interested in hearing, to the best of our ability, the views of people from the academic field and from the community organizations themselves. So we would be delighted to have any further remarks or written statements that any of you might have.<sup>1</sup>

We thank you all for coming.

(Adjournment.)

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<sup>1</sup> Testimony was submitted by Mr. Milton Applefield, Forest Products Technologist with the Southeastern Forest Experiment Station in Athens, Ga., on the work of the U.S. Forest Service in the field of building codes and low-cost construction. This material is in the Commission files.



# Houston

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Commission Members Present: CHAIRMAN PAUL H. DOUGLAS; DAVID L. BAKER; JOHN DEGROVE; ALEX FEINBERG; JEH V. JOHNSON; RICHARD RAVITCH; TOM J. VANDERGRIFF; COLEMAN WOODBURY.

*Houston is the only major U.S. city without a zoning ordinance. The Commission's interest in Houston in part was to determine what if any effect on the city's development pattern could be traced to the absence of this land-use tool. Traditional zoning and alternative land-use regulation devices also were examined.*

*Shamrock-Hilton Hotel  
Houston, Texas  
Breakfast, August 10, 1967*

## DEVELOPMENT WITHOUT ZONING

MR. DOUGLAS: Friends: I think perhaps we should begin. But I hope you will continue eating, and the Mayor, I am sure, will forgive us if you do.

We are very happy to come to Texas, an increasingly important state for national and other affairs. We are greatly honored to have the Mayor of the city with us.

As you should know, Mayor Welch, we also have a Texas mayor on our Commission, Tom Vandergriff of Arlington. We are going up to see his city tomorrow. He is in a very strategic place, too, because his city is halfway between Dallas and Fort Worth and he is sort of a mediator between these two cities. He is a very valuable member of our Commission.

We appreciate your coming, Mayor. You know, there is great danger that commissions may be taken in by what is sometimes referred to as the bureaucracy. Now, as a legislator, I have always been a little skeptical of bureaucracy. We wanted to come to Houston and get your views because this, I think, is the only major city in the United States which does not have zoning. We want you to be completely frank in what you say, hit straight from the shoulder, and there will be no feelings hurt. The HUD (Housing and Urban Development Department) bureaucracy does have a representative who follows us

about and takes copious notes on what we are doing and sends notes in to the superbureaucracy. We value bureaucrats as individuals, and we hope to answer to our Maker at the appropriate time without passionate prejudice. But we do want to have you speak frankly because I think you represent a body of opinion and you may be right. (Laughter.)

Now, I don't think it's necessary for us to introduce the Mayor of Houston. He is serving his second term. He tells me he ran for Mayor three times before he was elected. I told him that was about the way with my friend, Ralph Yarborough, and my friend Bill Proxmire, who ran for 10 years before he was elected. He says he has just been re-elected by about 78 percent of the vote — carried every precinct of the city, which is far better than I was able to do.

Before introducing the Mayor, I want to mention the fact that we have Judge Oscar Dancy of Brownsville with us. I have heard of Judge Dancy for a long time. They used to speak of the "Law west of the Pecos," and spoke of Judge Dancy.

JUDGE DANCY: On the Rio Grande.

MR. DOUGLAS: He is a historic figure. We are also happy to have with us members of the Institute of Architects, and I want to welcome them.

Now, Mayor Welch, speak right out. You are among friends.

#### STATEMENT BY MAYOR WELCH

HON. LOUIE WELCH: Thank you, Senator Douglas.

It certainly gives me a great deal of pleasure to welcome you and Judge Dancy and the distinguished members of the National Commission on Urban Problems to Houston — not because we think we are the best case history you will find in your tour of urban problems, but we are just delighted for you to have a proper example by which you judge other cities as you make your tour.

Modesty prevented my including the fact I lost a race for County Judge during that period you mentioned.

JUDGE DANCY: So did I. (Laughter.)

MAYOR WELCH: I share the Senator's apprehension about the bureaucracy. I am not so much worried about the future bureaucracy as I am the present one. I happen to be a member of two national advisory councils, Senator, both of which you had a part in forming: The National Advisory Council to the Office of Economic Opportunity — and if you think that is not a dilly, you ought to get on it — and Supplemental Services of the Department of Education, both of which meet regularly and we have our own set of bird watchers.

MR. DOUGLAS: Did they accompany you, too?

MAYOR WELCH: Yes. And are most valuable to us, and we esteem them very highly as individuals. We make up our own minds, as I am sure you are going to do.

If this was expected to be an apology for Houston because we lack

zoning, let me dispel your minds of any intention on my part to make it an apology. We have an invitation, if you have the time — and it will take just a little while — to make a tour personally of our city. We think you will find our city's land-use patterns are not unlike any good, modern, progressive city. They may be unlike most of the cities you visit, but not unlike planned cities.

Our City Planning Director, Mr. Jones, will appear before you this morning and supply you with details concerning the land-use patterns of the city of Houston and give you an opportunity to question him at length on the development pattern of Houston.

## **Fast Growth of Houston**

I would like, in the few moments available to me here, to suggest that the lack of zoning is not one of Houston's problems. Our problems are financial ones. I have characterized the three major problems as being money, finances, and revenue. They are problems of providing the municipal services and facilities for an unprecedented growth, both in terms of population and in area. The population of Houston has grown from less than 50,000 at the turn of the century to some 1,200,000 people now. Today the city covers some 447 square miles, with the jurisdictional area of the Houston City Planning Commission covering over 2,000 square miles. We are growing at the rate of 50,000 people per year. We have needs for the vast expansion and construction of streets, of water supply and distribution facilities, of sanitary sewers and sewage treatment plants, of parks and playgrounds, libraries, and a whole array of community facilities that make a city livable. In short, we have needs almost unlimited and revenues inadequate to do the job. The major problem of Houston today is in finding the monies needed to supply the minimal facilities and services required to make Houston livable for all its people.

It is the task of Houston, and indeed it is the major one, to build a better environment for all our citizens. We view this problem as one of building a better environment in the broadest of terms — social and economic, as well as physical dimensions. In simple words, we have a problem of providing good jobs, good homes, and good neighborhoods for all our citizens.

In this task Houston is not alone. We welcome the work of this Commission in searching for solutions to our urban development problems.

The need of American cities for increased financial resources to do the job is well known. I am sure that the hearings you have been holding have fully documented the inadequate financial conditions of our American cities. In the financial needs that Houston faces, we are not alone. However, of the major cities of America, the City of Houston is alone in not having an approved "Workable Program."

To date, the flow of Federal funds to urban areas has been through a confused system of many overlapping programs, through diverse



agencies of the Federal Government. Simplification of these confused, multi-overlapping programs would certainly be in order. Anything that could be done to simplify the flow of Federal funds to the local governments of our Nation, which have the responsibility and the desire to better the cities, would be greatly welcomed.

## No "Workable Program" to Qualify for Federal Aid

Of particular concern — which I would like to stress today — is the flow of Federal funds through the Housing and Urban Development Department to urban areas in the form of urban renewal projects, community renewal programs, public housing programs, code enforcement programs, and Model Cities programs. You, of course, will recognize that these programs are contingent upon a city's having what has come to be known as a workable program.<sup>1</sup> Of the large American cities, Houston stands alone in not having an approved workable program. To date, our attempts to secure approval of our workable program have been frustrated because we don't fit into the niche that somebody in Washington decides we should fit into. We don't have what is called a zoning ordinance.

If zoning were a perfect tool for the creation of our new American city, or even if it were a tool which more often than not promoted the better development of cities, or if it were a tool for which objective criteria had been developed to test its quality or test its adequacy of administration, then perhaps we would feel differently.

I might add this, that we are the only major city in America without zoning. And so far as I know, we are the only major American city that has ever submitted to the people the right to vote on whether they want zoning. And it has three times been turned down by the votes of the people.

To date, no objective appraisals of zoning have been developed. What is good zoning? What is bad zoning? What is good administration of a zoning ordinance? What is bad administration of a zoning ordinance? Does zoning really make a difference in the large American city? The land-use pattern of Houston as compared to that of other large American cities is clear evidence that zoning alone does not create the "good city."

I would submit that the City of Houston has been unfairly deprived of major and important Federal funds for the solution of our local problems of bettering housing and living conditions. I would not argue with the other requirements of the workable program. I would not suggest that other American cities should eliminate their zoning. But I would submit that Houston is being grossly and unfairly

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<sup>1</sup> The workable program is a series of prerequisites which must be carried out by communities in order to qualify for certain Federal aid programs including urban renewal, public housing, 221(d)(3) and, under some circumstances, rent supplements.



treated in the denial of funds by the arbitrary ruling that we must have zoning or something that, by any other name, amounts to the same thing.

## **“Project Partner” to Rescue a Slum**

One of the examples of how the City of Houston is facing up to the problem of building a better living environment for our people is Project Partner, which I announced in December of 1966. This project is concerned with 3,500 people living in an area of 121 acres, which is probably the worst concentrated slum in all of Houston. This area in near-northeast Houston, known as The Bottom, has received no benefit from any War-on-Poverty agency. It is called The Bottom because when you get there you can't go any lower. And it is so designated by the people who live there as The Bottom. Project Partner was designed to demonstrate that if progress can be made in The Bottom, it should be possible anywhere. Project Partner has received no Federal funds and has shown what can be done when people and the city work together. The results to date are impressive. May I just quickly list these results:

(1) Through arrangements with Rice University and the People's Civic Club in The Bottom, a program of tutoring children in the third through sixth grades was held during the spring semester. A summer program, arranged through the Civic Club and the Texas Southern University, is now underway.

(2) Six vest-pocket parks are planned for The Bottom, and two are currently underway. No park of any kind had previously existed.

(3) Street-paving projects are underway, some have been completed and others are underway on various streets in the area. Almost every street was a dirt, muddy street and has been since the inception of the city. They are nearly all completely paved and some are still under construction at this time.

(4) A city facility has been opened in The Bottom, and it offers everybody public health service and maternity care. It is staffed by city health nurses and physicians who serve on a voluntary basis.

(5) Through a private donation, the Mayor's aide in The Bottom has helped organize a recreation center which features activities for both youngsters and adults. There are free movies at the Center, an automobile club, sewing classes, drama classes, athletics, and tutoring. Speeches are also given on health at the Center. VISTA workers and other volunteers work at the Center.

(6) Through the Mayor's aide, the police have been brought to The Bottom for programs with children living there and for informal visits with adults.

(7) Through cooperation by landlords, tenants, volunteers, and the Mayor's aide, arrangements have been made to paint and fix up houses. Seven landlords who own much of the property in The Bottom

have agreed to provide paint and material. Volunteers are doing the work. Improvements on the first "demonstration" houses are underway. These people are repairing the houses in which they live with materials supplied by the landlord, and are taking pride in their houses.

(8) The first Negro appointed to the Mayor's staff works in The Bottom out of quarters in a house in the area. He is with the people not only during the day, but on many occasions at night as well.

Project Partner is a pilot project that, with increased financing, could be applied dozens of times throughout the low-income housing areas of Houston. Federal funds through existing agencies and programs could materially help in the expansion of this meaningful program.

These are just a few of the thoughts I wanted to share with you, and I want to thank you for the opportunity to meet with you on this occasion this morning. I am confident that as the day develops, other witnesses appearing before you — particularly Mr. Roscoe Jones — will give you an opportunity to delve more deeply into what makes Houston tick.

I am going to give another example because I think it is also meaningful. One of the old, old areas of fine homes two generations ago has within the last 15 years become commercial. In any other city, instead of beautiful high-rise apartments and beautiful office buildings, this would probably, because of zoning restrictions and restraints, have become an area of run-down boarding-house type operations. It is on one of the most beautiful thoroughfares of our city. If you have an opportunity to observe it, I think you will see where the economic forces have done a great deal more than the political forces in making this a showplace in Houston. It has occurred many, many times elsewhere in our community. We hope you will have the opportunity to observe it. And if it's too good to believe, we assure you it is true nonetheless.

MR. DOUGLAS: Well, gentlemen, speak up or forever after hold your peace. Are there any questions or any comments?

## QUESTIONS BY COMMISSION MEMBERS

MR. DEGROVE: *I speak now as a member of a zoning and planning board. I think it is misnamed and should be called a planning board.*

*To put zoning in its proper place — just as a matter of curiosity — is there any sentiment in Houston at all that you might be able to use with profit that single tool that you don't have, zoning? I understand you have all the other tools, such as a subdivision control ordinance, and the other kinds of things that are part of the land-use regulation package now.*

*You say you have had three referenda, I believe, on whether or not to have zoning. How did you happen to have them? Somebody must have thought you might be better off with a zoning ordinance.*

MAYOR WELCH: Well, the last time one was held, it was sort of an abdication on the part of some people who decided it was worthwhile just to get into the Federal pocketbook and just go ahead and do it. So they prepared the zoning ordinance, which was as much in self-interest as any zoning ordinance I have ever seen. It didn't bother anybody that shouldn't be bothered, and it was defeated decisively. This was in 1962.

The next prior election on zoning was, I believe, in 1948.

MR. DEGROVE: *So it was over a long period?*

MAYOR WELCH: Yes.

MR. DEGROVE: *In the ensuing period, you had your big growth?*

## **Belief in Deed Restrictions**

MAYOR WELCH: Yes. Let me say the people of Houston think that the contractual obligation of the property owner through deed restrictions, where they, themselves, can take the initiative and go to court and stop this violation, is better than having City Hall fight this important question.

So we do have deed restrictions, and most of the deed restrictions are self-renewing and self-perpetuating.

MR. DEGROVE: *I was interested in your statement that you have a land area of 422 square miles, and a planning jurisdictional area of almost 2,000.*

MAYOR WELCH: Well, 447 is our city.

MR. DEGROVE: *Does this mean you would have extraterritorial planning powers?*

MAYOR WELCH: Five miles from the city limits.

MR. DEGROVE: *I see. Does this mean another city cannot be incorporated within that area?*

MAYOR WELCH: It means that no city may incorporate without first requesting permission of the Houston City Council —

MR. DEGROVE: *Very good.*

MAYOR WELCH: And the City Council must either annex or grant permission within six months, or they are free to have their election of incorporation. No incorporation has occurred since this was passed in 1963 by state legislation.

MR. DEGROVE: *I certainly consider that progressive.*

MAYOR WELCH: I think it is certainly one of the greatest pieces of legislation that has ever been passed.

MR. DEGROVE: *Has Houston used the liberal Texas annexation laws liberally? You have annexed quite a bit, have you?*

MAYOR WELCH: We are the third largest city in land area in the United States, so I guess you could say we have not been sparing. We are behind Oklahoma City and Los Angeles, in that order.

MR. DEGROVE: *You are blessed by annexation laws that are much more usable than those of other states.*

MAYOR WELCH: Well, our annexation laws now limit us to 10 per-



cent of our land area per year. We can still annex 44 square miles this year. Actually, we could annex about 88 square miles this year because we made none last year.

MR. DEGROVE: *It's cumulative?*

MAYOR WELCH: It is cumulative for three years only.

MR. DEGROVE: *Is that a new restriction?*

MAYOR WELCH: No. That was in the 1963 Act. Prior to 1963, it would legally have been possible for the city of Houston to annex the state of Texas. That is, all the area lying outside the incorporated limits of other cities could have been annexed legally by the city of Houston. But it was just too darn far to send a cop.

MR. DEGROVE: *Thank you.*

MR. MANVEL: <sup>1</sup> *In regard to Houston or other geographically large Texas cities, in the annexation of nearby territories, does it sometimes include quite sparsely populated sections? And if so, do you have any particular fiscal device for differentiating the tax or revenue patterns that apply in the prospectively urban rather than relatively open portions?*

MAYOR WELCH: Let me say this. I think you have to consider the morality of the tax, the equity.

Any time the value of a piece of property is determined by the amount of cotton, corn, cattle, or grain that you raise, it does not logically belong within the sphere of municipal annexation. But when the value of that land has been increased by the expenditure of a million dollars and it is urban rather than rural land, I think the contribution to a municipal entity that has created that value is not unjust, provided it is not onerous to the extent it will restrict development. We have none of that.

We have property that is probably on the market for \$4,000 an acre — undeveloped, in rather large tracts — that we are assessing at perhaps \$400 an acre, in deference to the fact that it is not in development yet. But the value of \$400 is not based on the possibility of producing agricultural commodities.

MR. MANVEL: *So I gather from this that you are saying where this situation does exist to some extent, the differential is taken care of by some adaptation of the assessed valuations?*

MAYOR WELCH: Well, we don't give them services at all, perhaps, because it's vacant property. Perhaps if they get a grass fire, we will put out the fire, but that is about all they call on us for. But it places a burden on us when that land is deliberately being held out for speculative or investment purposes; and beyond that tract of land there is a tract that must have water, sewer, and street services, and we have to go through the part held out in order to get beyond to the area that is developed.

In that instance, when we go through that land, my instruction to the tax assessor is, "Tax it as if it were developed." And then it's developed real quick. (Laughter.)

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<sup>1</sup> Associate Director of the Commission staff.



MR. DOUGLAS: Mr. Pellish, who has worked on many development projects in New York, and a valued member of our staff —

MR. PELLISH: *Do you have any master plan that guides the city's growth — not only roads, but parks and schools — so that the public improvements that would be required in the future would have some kind of planning ahead of time?*

MAYOR WELCH: Yes, sir, we do. We just don't have the money to keep up with the plans. It's not an AA Master Plan. We have a master plan for major thoroughfares. We have a master plan for parks and recreation. We have a master plan for fire protection, all of which are coordinated, but none published in one book. There is not a book you can get like, for example, the one Dallas just recently put out. I mention Dallas because some of the smaller towns have to make up in printing what they lack in legality — they get an advance of \$175,000,000 on that — you know, I really ought not to kid Dallas —

VOICE FROM AUDIENCE: You really shouldn't.

MAYOR WELCH: I was doing that at a meeting and the presiding officer was from Dallas and he followed me. He said, "We are always happy to visit the hometown of Cassius Clay." (Laughter.)

We are now completely swamped by plans. We have one of the greatest, most forward-looking plans for sewage disposal I guess of any city. We have a water development plan that goes to the year 2010, and everything we do is part of that plan, as and when we can finance it.

Our major thoroughfare program was laid out in about 1940, and I don't suppose we have removed one single street from that plan. They are not all built yet, on that major plan, but it's a crosshatch of about a mile apart in every direction of major thoroughfares, and it makes our freeway system work. Our freeway system works better than any I know, despite the fact we have an automobile registration of 1.8 vehicles per family in Houston. It's pretty high.

MR. DOUGLAS: *May I ask a question? As I remember, the practice of zoning got support in New Orleans when slaughterhouses were put near residential districts. And the Supreme Court in the slaughterhouse cases upheld the zoning law on the ground slaughterhouses damaged residential property, and therefore such property should be protected from intrusion by industrial property.*

*And then, of course, there was the question of basement stores which can come in and run down a neighborhood; and so on.*

*There are a lot of breaches in the zoning ordinances where city councils will authorize variations. So frequently, these are more honored in the breach than in the observance.*

MAYOR WELCH: That is where your deed restriction is so much more effective as a tool.

MR. DOUGLAS: *How uniform is the deed restriction?*

MAYOR WELCH: Houston is made up of about a thousand little towns, any one of those towns has its own set of deed restrictions — well, not towns, subdivisions.

MR. DOUGLAS: *Each community in a sense then has its own zoning?*

MAYOR WELCH: Each subdivision has its own restrictions and they are contractual. When I buy a house in the area where I live, I read the fine print and it tells me that I can't do anything there that will damage the value of my neighbor's property. It tells me the minimum square footage I must have in my house, how far back from the curb it must set; and that I cannot conduct a business.

MR. DOUGLAS: *That is zoning.*

MAYOR WELCH: No. It is a contractual obligation I have with everybody else in my subdivision. And if I violate it, they can go to court and restrain me. They don't have to go to city hall to get the job done.

MR. DOUGLAS: *How is that different from zoning except a smaller unit makes the decision?*

MAYOR WELCH: It's legal, unchangeable. The city council cannot change it. It's a contract between me and my neighbors.

MR. FEINBERG: *Senator, if I may —*

*It is a deed restriction which runs with the land —*

MAYOR WELCH: Yes.

MR. FEINBERG: *And whether the zoning ordinance is one way or another has no effect on these deed restrictions.*

MAYOR WELCH: None at all.

MR. FEINBERG: *However, a deed restriction from the state I come from, New Jersey, is perpetual and can only be vitiated by its being obnoxious to public policy or court determination; or it can be released by those who have a vested interest.*

MAYOR WELCH: Most of these deed restrictions we have now are 30 or 35 years old and they automatically renew themselves unless 51 percent of the people who are participants in the contract at that time come in and affirmatively remove it.

MR. FEINBERG: *But the flexibility does not exist in deed restrictions as it would in zoning, does it?*

MAYOR WELCH: That's right. The city council or zoning commission cannot change the use in any way on earth because it's none of their business. It's a private contract, and it works.

MR. RAVITCH: *It's your objection to zoning, then, that it's too rigid or that it's too flexible?*

MAYOR WELCH: My objection to zoning is primarily that I can't see any city of any size that has zoning that is better off than we are. Why spend a million dollars a year to enforce something that doesn't do a job?

MR. RAVITCH: *Forgive me for asking, but when I was driving in from the airport last night, I saw a garbage disposal plant next to a synagogue.*

MAYOR WELCH: May I give you the background? The City of Houston bought 68 acres in that area long before there was a single residence there, and set it aside for municipal purposes.

Incidentally, the garbage disposal facility you speak of has been shut down because it did have an obnoxious odor. It is closed. It is not operative. You noticed that. And you would not have known it was a garbage disposal plant in any case if your father-in-law had not told

you. (Laughter.) It's also right next to two sewer plants and a railroad track.

MR. WOODBURY: *Mayor, on the deed restriction business, I have just two questions.*

*One Mr. Feinberg should have asked. He is a lawyer and I am not. It's been my understanding of these deed restrictions that they are not closely enforced over a period of time, and if somebody does try to invoke them against some improper usage —*

MAYOR WELCH: There have been some areas where the deed restrictions have fallen apart because the area is changing — it's transitional.

MR. WOODBURY: *But if you get enough violations over the years, the Court will say, "Well, the restrictions are not operative." Is that it?*

MAYOR WELCH: They have said that in three or four subdivisions in Houston where the people themselves have permitted the violations.

MR. WOODBURY: *But that is not frequent enough to —*

MAYOR WELCH: Well, if they like it, I don't suppose anyone has the right to object.

MR. WOODBURY: *That area you spoke of — the fine old homes now being turned into an area of apartments or into office use —*

MAYOR WELCH: Yes.

MR. WOODBURY: *I assume there were deed restrictions limiting it originally to residential?*

MAYOR WELCH: Yes. And those deed restrictions had expired. And at the time they were up for renewal, nobody wanted to continue it as a residential area, and they, themselves, made the change by not objecting.

MR. FEINBERG: *I think, if I may elucidate here a little bit, it has been determined there has been an abandonment of deed restrictions by passively sitting by and permitting things to take place without taking advantage of their legal rights.*

*But interestingly enough, in Belgium — I think it is Belgium — in the last year, an \$11 million structure was ordered by the court to be torn down because it violated deed restrictions. It was a high-rise apartment house, and the adjacent owners actually sat by without doing anything about it. And when it was all built and they decided they didn't like it, the highest court of last resort in Belgium ordered its destruction.*

MAYOR WELCH: Dormitories, Inc., went out on property near the University of Houston and built two huge dormitories. They didn't buy enough land for parking space for the students. So they went to a subdivision which was immediately adjacent, and bought vacant property. They didn't intend to construct any structures of any kind. They were going to use it as a parking lot — this was the subdivision known as University Oaks. The courts made them remove the parking lot from the area. And it has created a tremendous parking problem because there is just no place for students to park. But they would not permit it. This has been done time and time again.

MR. FEINBERG: *Mayor Welch, I am not being critical. I am personally*



*an advocate of zoning within reason. Zoning can be abused. But zoning, I believe, has its place. However, you know best what to do with Houston.*

MAYOR WELCH: Well, I think we have done well without it. But I can't see any justification in our being prohibited from participation in programs Houston needs simply because we have not followed administrative interpretation.

MR. DOUGLAS: We will continue with many of these topics during our next session. I am told the bus is waiting to take the Commission, the staff and any others among us who wish to join us, to the Center for the public hearing. Mayor Welch, thank you very much for being with us and for your comments.

(Adjournment.)

*Garden Center  
Hermann Park  
Houston, Texas  
Morning, August 10, 1967*

## LAND USE CONTROLS IN PRACTICE

MR. DOUGLAS: We will please come to order. We are pleased to have all of you with us. We are holding hearings in about twenty cities, and we have come to Houston to hold a public hearing on the issue of zoning, partly because Houston has no zoning ordinance in the form most of us know it. It may seem ironic that we would hold a hearing on zoning in a city that has none, although the deed restrictions in contracts in the various communities may have some of the effect of zoning. But we want to find out what effect the zoning ordinance has on cities that do have zoning. And we also want to inquire about the alternatives to zoning and examine other forms of land-use control.

We are not here to investigate Houston. We are here only to inquire about your land-use institutions, and we approach this subject with an open mind.

We had the benefit this morning at breakfast of hearing a very fine statement by your able Mayor. I said then what I will say now, that frequently it is true people in Washington do not get a balanced view of affairs, and while the overwhelming majority of public officials and administrators are public-spirited and devoted, they can make mistakes, too. The last thing in a democratic government that we want is to be dominated by any one class, whether it be men of wealth or trade union officials or legislators or administrators. So, we are here with an open mind.



We have brought a number of expert witnesses from other cities. The subject of our hearing is zoning and alternative land-use control, not only from the standpoint of Houston, but of other places as well.

After hearing the invited witnesses, we have a practice of hearing from others who wish to speak, because we believe that citizens should have the right to talk. We ask, however, that their testimony be relevant to our inquiry.

One of our members is from Texas; namely, Mayor Tom Vandergriff from Arlington, Texas, halfway between Fort Worth and Dallas. He has been able to keep peace between those two rival municipalities. Mayor Vandergriff has been one of the most hard-working members of our Commission and has brought to our work judgments and insights which are both mature and highly intelligent. I am going to ask Mayor Vandergriff to take the chair and preside over this meeting.

MR. VANDERGRIFF: Mr. Chairman, we appreciate your kind references both as to our great State and to our own humble efforts. It's quite a temptation to add words of welcome to you and to other members of the Commission staff as you come to our great state. But because of our late arrival and also the fact that the very competent Mayor of Houston has already welcomed you so eloquently to this fabulous city — one of the scenes of the greatest growth in America in recent years — I shall not allow myself that privilege.

I would like to state to my fellow Texans, however, that we are indeed fortunate to have people of the caliber of Senator Douglas and the other members of the Commission who are dedicated to this effort for a better urban America. It's been one of the finest experiences in my life, really, to serve under the leadership of this great American. It's an inspiration to see one so concerned about his fellow man and so anxious to arrive at a better way of life for all of us.

I want now to present our distinguished witnesses for the morning session. Actually, we have three panelists, Mr. Jones, Mr. Springer, and Mr. Miller. Our practice is to ask each of these distinguished panelists to speak for perhaps some 15 to 20 minutes. At the conclusion of the testimony from the three gentlemen, members of the Commission will have the privilege of asking questions.

So, without further ado, I would like to introduce to the Commission, and to those who have honored us with their presence as visitors here today, Mr. Roscoe Jones,<sup>1</sup> who is Director of City Planning for the City of Houston. This is a post he has held since June of 1964.

It's a privilege, Mr. Jones, to have you and we will ask you now to address the Commission.

#### STATEMENT BY ROSCOE JONES

MR. JONES: Mayor Vandergriff, Chairman Douglas, and Members of the National Commission on Urban Problems: I am very grateful for

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<sup>1</sup> Also associate professor of city planning, University of Houston. Formerly Planning Director of Metropolitan Dade County, Miami, Florida.

this opportunity to talk about Houston, its land-use pattern, its approach to land-use control and to talk about urban problems in general.

## Houston's History

Before discussing Houston's land-use pattern, I would like to give you a quick sketch of Houston's geography, economy, and its rapid growth.

Houston is a flat area, some 50 miles inland from the Gulf, and about 50 feet above sea level.

Due to this flat terrain, we have enjoyed easy accessibility, which has permitted us to scatter out over the countryside in a sprawling urban area.

The city of Houston, which is some 447 square miles in area, stretches beyond to some two thousand square miles in the jurisdictional area of the Houston City Planning Commission. Greater Houston may be viewed as the eight-county area of the newly formed Houston-Galveston Area Council, which is our new regional planning agency covering some eighty-five hundred square miles in area, and some fifty miles in radius from downtown Houston.

Now let's take a quick look at Houston's economy: Initially, the timber resources, the agricultural products, ranching activities, and distribution activities supported Houston in its growth from 1836, when it was founded, to a population of about 50,000 by 1900.

With the construction of the ship channel, a new era opened in Houston back in 1915, and the population has just been expanding tremendously ever since. Additional growth came with the discovery of oil in abundance and with the expansion of the petrochemical complex during and following World War II and, more recently, the research and development activities that are represented by NASA [National Aeronautics and Space Administration].

Each one of these elements of our economy has been built layer upon layer, each one, even to the present day, remaining viable and strong, each contributing to the continued growth of Houston.

Currently we are projecting a population for 1990 in Harris County of 3.25 million people. Presently, Harris County population is about 1.6 million. Thus, Houston will double in population in the next 23 years, adding more people than it has taken us 130 years from the beginning to achieve.

Now, let's have a quick look at Houston's planning history. Houston began in 1836 as a planned city. If you visited the downtown area, you saw the very wide streets which we enjoy today due to the foresight of the founders of Houston.

The growth in the remaining years of the last century took place in unplanned subdivisions. Many of our street problems around the central area created then are still with us. In 1913, just to mention

some of the highlights of planning in Houston, a plan was developed by the Boston planning consultant, Arthur C. Comey. A master plan was prepared in the 1920's, with zoning being recommended in the 1929 plan.

Along in 1938 another major plan was prepared for Houston. Zoning was considered, and I understand an ordinance and map were prepared; however, the budget for planning was eliminated and that discontinued the consideration of zoning at that time.

In 1940, the present City Planning Department was created, the City Planning Commission reactivated, and a comprehensive planning program was initiated. The principal area of study was thoroughfare planning.

In evaluating the benefits of this planning, may I point out that about three-fourths of our built-up areas of Greater Houston has been developed since World War II. This means development has occurred concurrently with major thoroughfare planning which, with subdivision review, has given us an excellent thoroughfare system, and an excellent pattern of local streets.

Currently, the Houston City Planning Commission is engaged in a comprehensive planning effort as well as the review of subdivision plats, studies for the alignment of major thoroughfares, and a general planning program.

I brought with me today as part of the comprehensive plan studies in process, a land-use map of Houston, which is seen on the far wall. This map gives an accurate and up-to-date view of Houston's land-use pattern. The date on the map is April, 1966.

I wish you had the time to visit Houston and look in detail at the land-use pattern. But I know your time is very limited. The land-use map does give you an over-all view, a fine-grain view of Houston's land-use pattern. The map colors are the standard colors normally used in city planning: the yellow is residential, the red is commercial, the gray is industrial.

In Houston's land-use pattern there are large areas — vast areas, indeed — that are little different from other major American cities. This is not to say that we do not have land-use problems in Houston. I submit that cities with zoning have a few land-use problems, also.

In Houston one finds areas in which commercial expansion is filtering into residential areas. This is also happening in growing cities, where zoning is changing to permit this normal, proper, and logical growth to take place.

We have a number of apartment structures infiltrating single-family residential areas, which per se is not bad. A mixture of land-uses is something that a number of authorities tell us is to be sought rather than avoided, particularly in the areas of low income. In Houston's low-income areas one will find a scattering of little red specks in yellow areas, indicating commercial establishments located close to homes where there is not always a family car readily available to drive to the stores.



## Houston's Land-Use Pattern Not So Different

I would suggest that Houston's land-use pattern is not a great deal different from other cities, even without zoning. One reason is that we have relied heavily on private deed restrictions, especially following the defeat of zoning in 1948 and the defeat of zoning in 1962, both of these times by vote in an election.

The homebuyers, the builders, and others who have been concerned with the land-use pattern, with acquiring property for homes, have checked on deed restrictions. One indication of the importance of deed restrictions in Houston is the fact we have some seventy square miles covered by civic clubs, some 150 civic clubs that are devoted to the maintenance and continuation of the deed restrictions for their neighborhood, be it a block or be it a square mile, as some of these civic clubs cover.

Pursuant to special legislation, the city, since September of 1965, has participated actively in the enforcement of these private deed restrictions. This means that the city, pursuant to the special state legislation, becomes a party to the lawsuit to insure that the deed restrictions remain intact.

With this sort of brief description of the land-use pattern in Houston — how it works, for better or worse — I would like to just comment on something I feel is very important to the city of Houston; that is, the imposition of Federal requirements on receipt of Federal funds.

Now, here I am talking about zoning as one of the requirements that has long frustrated Houston's attempt to participate in the expansion of public housing, urban renewal, urban renewal planning programs, code enforcement programs, and — pursuant to the legislation last year — the Model Cities program.

It would seem to me that zoning has not necessarily proved to be the perfect tool in developing a perfect city. It would certainly seem questionable to deny funds to a city that is certainly in dire need of such funds, on the ground that we do not have zoning, particularly when the electors have twice turned down zoning.

## City As Good As Zoned

It seems to me to be almost an arbitrary requirement that a city should have zoning. Of course, the law does not require this; but administratively it has been set that way — or at least to have a land-use control system which covers the entire city — which amounts to the same thing as zoning. It seems arbitrary to require this as a prerequisite to Federal funds which are so sorely needed.

One thing about Houston is its tremendously rapid growth, and we'll accelerate in terms of numbers in the next two decades.

Our needs for public facilities for a city of three million in about 23 years from now will be no less than those of other cities that have



taken centuries to arrive at this level of population. It seems to me that the city is in dire need of increased financing from the Federal Government; and certainly it does not seem proper that these be contingent upon arbitrary controls and regulations. Rather it should be in the direction of recognizing that the local city officials have a major responsibility to build a better city.

One of the major factors preventing these local officials from doing the job is money. And the Federal Government, I think, is in excellent position to provide these funds to permit local initiative, local interest, and local drive to face up to some of the problems.

One other thing I would comment on — and I hope I am not deviating from the subject too far — but while we are talking about land use in Houston and land-use controls, I would submit that one of the major needs in urban America today is study and research.

About a hundred years ago, we developed the land grant colleges, which have done a dramatic, fabulous job in research and development, experimentation and demonstration, the training of people, extension of knowledge to practitioners in the field of agriculture. And it seems to me that it would be beneficial if we could have a similar program of urban study centers — and I couldn't find a better location for one than Houston which, with its rapid growth, exciting land-use problems and opportunities, certainly is deserving of basic research, deserving of demonstration projects, experimental projects, and research in training professionals and technicians who are going to be needed in facing up to our critical urban problems — not only here but across the Nation.

In summary, just let me, if I may, emphasize these points:

(1) Houston, albeit without zoning, has benefited by a large measure of city planning over the years.

(2) The Houston area has developed a complex and to a high degree an effective system of planning controls using protective covenants.

I might say here that the Mayor has appointed a Citizens' Advisory Committee on Housing that has as one of its prime targets to develop an acceptable workable program. The Committee has prepared an exhaustive analysis of our private deed restrictions; we have some eight or ten thousand sets of these deed restrictions. We hope this study will get underway in the near future.

(3) Houston's land-use pattern is not dissimilar to land-use patterns in many large American cities that have had zoning over the years. Too often we talk about zoning in theory and ignore zoning in practice.

(4) There is no question in my mind that we need to vastly increase Federal funds available to local urban areas, to assist local officials in providing the needed municipal facilities and services.

Let us not encumber the flow of vitally needed tax funds for the solution of local land-use problems by arbitrary requirements which may not make sense in a given local area.

(5) There is need for an expanded research effort to conduct the

basic research, train people, and apply the knowledge to the betterment of our city.

I appreciate this opportunity to speak with you and I stand ready to answer any questions to the extent I can in this session.

MR. VANDERGRIFF: Thank you, Mr. Jones. We appreciate your comments so much. And I am certain members of the Commission will have questions to direct in just a little while.

We are now going to hear from another very distinguished planner. In fact, the name of Marvin Springer is synonymous with planning in the Southwest. He was Director of Planning for the City of Dallas for nearly ten years, as I recall it — the 1950 to 1960 period. His genius as a planner is in fact evident in the satisfactory development of a whole host of cities in this part of the country.

It's a privilege now to introduce to the Commission Mr. Marvin Springer from Dallas.

### STATEMENT BY MARVIN SPRINGER

MR. SPRINGER: Thank you, Mayor. Chairman and gentlemen of the Commission, ladies and gentlemen: I think without any collusion with Mr. Jones, I would like to pick up from one of his statements and acquaint you with some of the history of zoning in the Southwest. I shall comment a little on where it stands today and defend it a little, because I came from the northern part of Texas where zoning has greater acceptance.

Mr. Jones mentioned the imperfect character of zoning and I agree that it is an imperfect process. Actually, we have in this country about 40 years' experience with zoning. The experience goes back to the early twenties and there have been many problems with zoning over the years.

I think it would be fair to say that most of the problems which we attribute to zoning are the result of the fact that zoning is administered by human beings and humans are prone to imperfections. The basic zoning problem has usually been in its administration, as administration has tended to be imperfect.

Now, the original efforts of zoning came about perhaps as a result of the industrial revolution. In the effort to control some adverse factors in the urban environment, a variety of regulatory efforts was attempted. The document I exhibit is a copy of the Standard State Zoning Enabling Act which was promulgated by the Department of Commerce when Herbert Hoover was Secretary of Commerce. The document has been used as a guide for the zoning enabling acts for a great many states in the Nation, including Texas. The reason for it arose in the fact that zoning, in its early period, was an effort to control nuisances. The effort reached a chaotic stage, mostly in the courts, and the document was created as a guide to regulatory efforts of municipalities and it was an effective guideline dating back to 1926.

I think it might be well to quote just one paragraph from the publi-

cation, because this statement still is found in most zoning enabling acts and lays out the scope of zoning as a regulatory measure. The excerpt reads as follows:

Such regulation shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets, insure safety from fire hazards and other dangers, promote health and general welfare, prevent the overcrowding of land unduly, facilitate adequate transportation of traffic, water, sewerage, schools, parks, and other public requirements. Such regulation shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular use and with a view to conserving valuable buildings and the most appropriate use of the land through the municipality.

I would be less than honest with you if I said in all cases zoning has accomplished the purposes set out.

## **Zoning Not an End in Itself**

I think one of the reasons is that zoning often is thought of as an end in itself by the municipality and by the people who apply it. Zoning is not an end in itself, and it is herein that difficulties have arisen. When zoning seeks to be an end in itself, it fails to be what it should be, namely, a tool of urban planning.

I refer back to the statement and purpose: "In accordance with the comprehensive plan." This term has been varyingly interpreted by the legal profession and planners. Therefore, I doubt that there is agreement as to its meaning.

The narrow interpretation, such as has often been applied, is that the comprehensive plan means that the zoning shall cover the entire municipal area, be comprehensive in itself. This is the narrow application. But the narrow interpretation has been legally accepted in many cases. Many communities have had to defend their zoning as being in accordance with the comprehensive plan on this factor alone.

A broader concept applies many of the other ideas set forth in the purposes statement of the Model Act, and to apply these would require a much broader concept. The Act refers to some plan of overall development for the community, a plan which would project the land-use requirements of the community the thoroughfare requirements, the open space requirements and public buildings, and all other factors which go into the makeup of an urban area. The broader concept, when it is applied, makes zoning a significant and valuable tool. And it's only when such an interpretation is given that zoning achieves what, I think, it was originally intended to achieve by the people who did the important work back in the 1920's in an attempt to make it a functional part of the municipal building effort.

I think it's fair to say that the facilities that are required for a city — whether they be housing areas, thoroughfares, open space, public buildings, or retail outlets — are all directly related to the land-use pattern in a community and cannot be separated from the pattern



and from zoning if the regulation achieves anything beyond mere restriction.

Now, another problem which has arisen with zoning as it has been applied is the fact that often the regulations have been rigidly applied and have not been adapted to changing conditions.

## **When Flexible Regulations Are Desirable**

I would like to indicate to you some of the places where flexibility — not rigidity — are desirable. Some of the changes include the evolution of density-type zoning where the actual physical design of residential structures is not the determining factor and flexibility is permitted. Performance standards in industrial zoning are another good example. We have personally had quite a bit of experience with such regulations and there has been no problem. Performance standards involve very broad application of regulations which are similar to those used in building codes.

The regulation of the level of sound, of odor, and hazards of various kinds are involved. About 50 percent of all communities we work with have adopted performance standards. Such acceptance is significant as it illustrates that zoning is adaptable to changing conditions and times.

In the regulation of open spaces around structures, a great deal of flexibility has been introduced in the zoning processes in recent years. Such changes permit much broader architectural design and eliminate some of the rigid elements which once existed in zoning.

Also, special types of zoning districts — those outside the ones customarily conceived of — are very valuable tools in the application of zoning to a comprehensive plan.

The city of Galveston, for example, has a Beach Zone to regulate the types of uses on its beaches as a significant element of its comprehensive plan design, to enhance and preserve this most important feature of the community. In the same city, a Historical District was appropriate because of the historical nature of many structures in the town.

In quite a different context, but equally significant: Amarillo, Texas, is developed in a very flat area between two rivers, where the water really doesn't know where to run. This condition creates a physiographic problem resulting in playa lakes which collect water during rainy periods and flood areas on this high plains area.

In this case, a Surface Drainage District was created to regulate this problem and prevent the construction of housing and other structures in areas subjected to periodic flood hazard.

The foregoing examples are a few of the illustrations of the adaptability of zoning to elements of comprehensive planning. They demonstrate that when zoning is tailored to the peculiarities of a community, it can become a very valuable tool in the planning process and in the development of the community.



The examples mentioned show, in spite of Houston's experience, the importance of zoning in the Southwest. We are an area of rapid urban expansion. Most of the significant cities in this area are growing very rapidly. Under such conditions the application of sound regulations, whether they be land-use control or building codes, can achieve a great deal because the opportunities to guide development by such regulations are most effective in developing areas. Such achievements are usually much greater than is the case when we have to go back and attempt to redesign or to rework existing urban areas. The redevelopment is very difficult, and the application of zoning takes much longer to achieve anything of significance. The application of zoning is also much more difficult under such circumstances.

I think if zoning is to continue as a significant urban regulation, it should be increasingly thought of as a tool of planning, a tool to achieve the kind of urban environment we seek. When zoning is viewed in such a context, the arbitrary features of it are diminished and it becomes the positive tool of planning as it was envisioned to be when Herbert Hoover was Secretary of Commerce.

## **Zoning Should Be Local**

Zoning is, I believe, a specifically local type of regulation, adapted to local decision. A local community has a right to determine its own destiny and the kind of environment it wants. Zoning must be a tool of such determination.

I think Mr. Jones' mention of the civic clubs' efforts in Houston is a good example of the fact that zoning is only as effective as people want it to be. In fact, the people in Houston are using what tools are available to them — the deed restrictions and the effort to continue deed restrictions — to achieve a type of zoning, and they are doing it on a local basis. My experience is that zoning is only as effective as the local people want it to be.

In closing, I would like to illustrate this fact from an experience I had some years ago in the city of Dallas. It was an area which was predominantly occupied by Negro homeowners, a fairly good area in terms of the fact that it consisted of a filtering down of good-quality housing. The area, because of the unthinking application of poor zoning, had been placed in a commercial classification due to a series of establishments locating in the area. I remember the names of some of the places: The House of Joy, Brown Derby, and The Barnyard Inn.

One morning there came to my office a group of about 40 people led by a Mrs. Gilbert, seeking in desperation some way of improving the environment in their neighborhood and eliminating the adverse effects of the Barnyard Inn and The Brown Derby and other such establishments. They were particularly concerned about the night-time environment of the area.

The only device we found available to us was to change the zoning to acknowledge the existing land-use pattern, which was predominantly

residential, and thereby eliminate the taverns, because they could not obtain licenses when the area was not zoned for such use.

The Planning Commission, after public hearing with very good testimony, recommended that zoning be changed. After several sessions in court, the decision of the Commission and Council was sustained. Efforts were made again to change the area back to the commercial zoning. This failed. The people of the area through their own local efforts eliminated the adverse environmental problem in their neighborhood, using the zoning tool.

The area is a good neighborhood today, an area with playgrounds and good schools and reasonable amenities.

This cleaning up of an environmental factor was a local effort and the application of a local tool.

MR. VANDERGRIFF: Thank you very much, Mr. Springer. I appreciate your comments and I know the Commission will have some questions for you shortly.

Our next speaker comes to us from Tennessee. This is not new, for someone from Tennessee to come to Texas. In fact, much of our early-day settlement resulted from people coming from Tennessee to this State, as did my own grandfather. Be that as it may, we are certainly privileged to have Mr. Harold Miller<sup>1</sup> with us today. He is the Executive Director of the Tennessee State Planning Commission. This agency is engaged in state planning, as would be obvious from its name. Interestingly enough, they have a current budget of approximately a million dollars, a very ambitious undertaking, on a state level. Mr. Miller was a community planner in the original TVA days and has gone forward from that beginning to a most distinguished career in this field. Mr. Miller.

#### STATEMENT BY HAROLD V. MILLER

MR. MILLER: Thank you, Mr. Chairman.

Distinguished members, ladies and gentlemen: In the stated context incident upon the invitation to appear here, I gathered my role was not to discuss the question of whether or not there should be land-use controls, but rather, to evaluate practices and effectiveness of land-use controls, and to report from my particular perspective.

It may be pertinent to note briefly the perspective from which I speak. The Tennessee State Planning Commission, established in 1935, shortly began a cooperative program supported by the Tennessee Valley Authority, in placing State-employed professional planning persons in the field to serve on an itinerant and part-time basis as staff to a number of Tennessee communities desiring such service. At the time this program of State-sponsored local planning assistance was initiated, the four metropolitan cities and their counties of Ten-

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<sup>1</sup> Planning consultant in U.S. and overseas. Visiting professor and lecturer at U.S. universities in field of planning.

nessee already had resident staffs. So, as a result, the State agency has not undertaken work in the four metropolitan cities and their counties. The primary thrust of my remarks will be in terms of the sub-metropolitan communities in the state and the experience from that standpoint.

## Local Land-Use Controls in Tennessee

Over the years, this program of local planning assistance has been carried forward. During the time that the Federal Housing Act of 1954 was being written, our agency and its program became somewhat of the prototype for Section 701 of the Housing Act of 1954 insofar as the decision was made to channel 701 funds in support of planning through the state agency where the work was to be done in the smaller communities.

At the present time there are well over 200 official local planning commissions in Tennessee, and within their jurisdictions live well over 90 percent of the total population of the State. To us it is very pertinent that every one of these local planning jurisdictions came into being at local initiative. Now, I would attribute the local initiative in bringing these into being to four factors:

One — the availability of this service from the State over a period of approximately 30 years, which means that it gained a certain amount of momentum.

Second — the increased availability of State staff via Federal supplementing of funds under Section 701, thus permitting more advantageous cost-sharing with the localities.

Third — increasing local awareness of the desirability of planning and land-use controls for the dual purposes of better living conditions and a more "salable" community to industrial prospects and other decision makers.

And fourth — the increasing number of Federal programs carrying planning prerequisites. At the present time my agency's employees serve as the technical staff to slightly over 200 localities, the exceptions being the four metropolitan communities together with five localities in the 15,000 to 50,000 population range that have established their own full-time resident staff personnel.

I might add, in some quarters there is the misconception that there is no private consulting work performed in Tennessee. But this is not true. On special studies, and in those instances where localities want to move faster than our staff resources would permit at a particular time, we certainly encourage the use of expert assistance from private consulting sources.

So it is from this broad contact with localities that I summarize some observations before this honorable body.

It is fair to say that during the years prior to relatively recent Federal planning prerequisites, planning was initiated in most Tennessee localities in response to local desires for land-use controls. It



is true that in many of these instances in these submetropolitan localities, the immediate stimulus was a relatively simple irritant, such as a filling station being erected or proposed to be erected next to the Mayor's house. In some instances, the municipality found its financial resources drained in the process of installing the physical facilities in new subdivisions which, unfortunately, were somewhat speculative and slow to develop so they could begin to replenish the municipal coffers through taxes. The municipality, therefore, as a matter of policy was seeking the machinery by which to adopt and enforce subdivision regulations under which new subdivisions would carry their appropriate portion of development costs.

## Quality of Zoning from Quality of Administration

Let us turn now to somewhat of an evaluation of zoning as practiced in our submetropolitan communities. As a general statement, the quality of zoning enactment, amendment, and enforcement varies directly with the overall quality of administration in the municipality. This concept was advanced by previous speakers, but I want to drive it home. If the zoning effort winds up in a lousy mess, to be abundantly clear, it is not necessarily the fault of zoning as a concept, but it is a matter of the mishandling in the process of local administration.

I have in mind instances in which the local planning commission undertook its task with an intelligent perspective, including recognition that there is a logical sequence of steps and studies to be undertaken in the development of a comprehensive plan; and that only after these have been accomplished should zoning be considered for enactment. Under these circumstances, the zoning would assume in their minds its proper role as an instrument for implementing expressed municipal policy. Any regulations whatsoever, whether pertaining to land-use or not, are met with objections from some aggrieved or cantankerous persons. By and large, these objections are minimized, and willing compliance is more nearly assured, when a plan can be shown: the features of the plan, the allocation of land uses under the plan, and the implications for the plan if the land-use controls are not followed.

There would appear to be some relationship, or at least coincidence, between the quality of municipal administration on the one hand, and the intelligence and persuasiveness by which the appropriate officials approach the initial allocation of land under zoning and the processing of proposals to amend the zoning ordinance.

In the better administered localities we find the more logical patterns of land use — the central business district under zoning allowing for logically expected growth — no more and no less. We find provisions for outlying shopping centers or districts if these be indicated in the future of the community in contrast to wholesale, shoe-string commercial zoning of frontage on every major street. And we find not only exclusive industrial zoning but that zoning applied to a realistic



acreage, the lands of which are so located with reference to transportation or water frontage, and are so constituted in terms of topography, and so forth, as to constitute real potential industrial development as opposed to miscellaneous lands, swamp areas or wrongly located tracts which, at least to date, nobody wanted to use for anything else.

Zoning in such well-ordered communities becomes a powerful instrument for expressing and achieving municipal policy. No worthy future land-use plan, no plan for community facilities, including future schools, fire stations, or water and sewer extensions, can be approached with confidence without the application of logical land-use controls in order to reasonably guide the various categories of uses in the proper directions and at the proper densities.

With no particular pride I could mention other communities among those we serve where the matter of drafting and administering zoning has not been approached in what you would call an outstandingly intelligent manner. Examples could be cited of the overly optimistic acreage contained in a central business district which, over a period of a few years, has permitted the dispersion of CBD-type functions into essentially sound surrounding residential areas, bringing with it blight and traffic hazards, as well as being self-defeating in part as individual retail establishments. Locating on cheap land in a dispersed pattern, each fell short of achieving its potential volume of retail trade where the retail customer is essentially a pedestrian immediately prior to or after the transaction.

I could cite examples of strip zoning along major thoroughfares, resulting in a regrettable mixing of land uses with the aftermath of blight and reduced residential land values, increased congestion and hazardous conditions in the streets, and municipal utility problems where original facilities were designed to serve adequately an expected residential density, but have become overloaded under the changed conditions. The adjustment of electric service under these circumstances is not particularly difficult, but adjustments are far more serious in terms of adequacy of water mains, sanitary sewer facilities, and particularly storm sewer capacities, as larger areas are rendered nonabsorbent through roofing or paving as parking lots.

I consider instances of shortcomings such as I have mentioned as reflections on the quality of local planning and administration rather than as damning evidence against zoning itself.

I have spoken primarily by way of summary of experience in small towns, and I could suggest innovations in the zoning process which may have some applicability in small towns but are more applicable in the larger places. I offer a few suggestions.

I am of the opinion that a number of the zoning ordinances in Tennessee should be supplemented by introducing elements such as laying the ground rules for affording flexibility in group housing, so that efficient, articulated, high-density construction could be permitted where desired if the overall project tract contained sufficient acreage to provide an average density compatible with the neighborhood context; and if sufficient safeguards were provided that the lands thus

left vacant would, in fact, remain part of the project and thus provide the open space and insulation so desirable under such circumstances.

Again, where technical competence and administrative responsibility exist in a locality, greater flexibility and less categorical controls might well be afforded for shopping centers or business districts, so that developers could come forward with imaginative design.

Further details and alternatives can, I hope, be developed in discussion according to the interest of individual members of the Commission.

## Metropolitan Nashville Land-Use Controls

The second element in the staff invitation for me to appear here related to the metropolitan Nashville situation. The staff requested that some information be brought regarding the transition in land-use controls incident upon the reorganization from city and county to the unified metropolitan government of Nashville and Davidson County.

During the decade or more leading up to metropolitan government, the local planning organization consisted of two planning commissions — a small one for the City of Nashville and a larger one for the County of Davidson. The entire membership of the Nashville Planning Commission was included among the membership of the county body.

The city and county each contributed substantially through their respective operating budgets to the maintenance of a single staff which served the entire community, dividing its time for accounting purposes between city and county activities. Under these circumstances the essential fact was that the single staff provided a virtually automatic coordinating mechanism, at least on practical matters, between the affairs inside and outside the corporate limits of Nashville.

With the advent of metropolitan government, following approval of the charter in referendum, there was established a single commission, and the single staff continued its work without significant interruption. The existing regulations as embodied in the old city zoning ordinance were carried forward and continued in their applicability within the Urban Services District of the total territory, while the terminology of the old county zoning ordinance was carried forward and made applicable in the General Services District, which corresponds roughly with the territory outside the old City of Nashville except for the five small incorporated places continuing for the time being as satellite municipalities around the old City of Nashville.

A parallel course of action was followed in relation to subdivision regulations. Thus there was no immediate disruption of established patterns and procedures.

A year or 18 months ago, steps were taken to establish a "Committee of 100," citizens representative of various localities, walks of life,

and technical or professional competence, to carefully consider a modernized and unified zoning plan for the entire metropolitan jurisdiction. A great deal of staff work has gone into the inventorying and investigating of alternatives, and good communication exists between staff and the "Committee of 100." The membership of the Commission, constantly in touch with this effort, is looking forward to relatively early completion of a consolidated and comprehensive draft of a modern zoning plan which then may be put into the official channels of Commission consideration, public hearing, and presentation for adoption to the Metropolitan Council, which in this case is a 40-member body.

It should be noted that flexibility is provided in the general enabling legislation in Tennessee for any incorporated municipality, upon its own volition, to accept as its planning commission the original planning commission having jurisdiction over its surrounding territory.

None of the satellite incorporated places has chosen to move in this direction and one might almost suspect that in the case of two or three of them, the intense desire to maintain their own land-use controls is the principal reason for their continuing existence as corporate places.

One of these municipalities, for example, has stoutly resisted any nonresidential land use within its corporate boundaries despite the convenience that some well-conceived and well-regulated commercial development might afford.

Another has stoutly clung to a three-acre lot minimum even though some of the residents admit freely that three acres is too big to mow and too small to plow. I might add that it's rather expensive to build the amount of street frontage and install the length of pipes for utility extensions to serve this low density.

Fortunately, for the overall welfare of the Nashville-Davidson County metropolitan jurisdiction, these incorporated places constitute relatively small spots on the map. They occupy only a limited percentage of the total areas, and any purely local decisions within the satellite corporate areas do not present major obstacles to the overall plan of the major governmental jurisdiction. It could be better, but it's not tragic.

## **Policy on Sewage Disposal in Subdivisions**

In the matter of subdivision regulations, the basic standards and procedures of the former city and county have been carried forward with limited changes to date. The metropolitan body has declared firm policy on several critical items, however.

For example, the old county standards would allow lots of certain size, if sewered, but a substantially greater square footage even under the most favorable percolation conditions, if septic tanks were to be depended upon. Under those regulations, there were instances of



major developers creating substantial subdivisions with sewers, and at a relatively higher population density, and bringing those sewers to a package plant for sewage treatment. A couple of these projects were completely sold out by the developers, who then had no further interest in the area, and had no further liability under any existing contracts. And upon their departure, the burning question arose as to who was supposed to operate and maintain the sewage disposal plant, and the State was in a no-nonsense posture about untreated sewage flowing from the plant and into the surface waters of the State. To foreclose the possibility of any further such difficulties, the Metropolitan Planning Commission adopted a policy that after a grace period of several months, no more subdivisions would be processed for approval which contemplated package plants. And with the exception of certain specified portions of the county, no subdivisions would be accepted for processing without sewers.

Surprisingly enough, there was not a great rush of plats being presented during the grace period, and the program is now moving forward with reasonable acceptance in all quarters. The metropolitan government, having responsibilities for the entire territory and with the legal capability to plan and provide public works in a uniform manner, is making significant strides in the extension of sewers in a manner to reasonably facilitate building development. In the process it has gained an enhanced ability to guide such developments in terms of quality, direction of urbanization, and timing of subdivision activities.

No doubt many questions remain unanswered, but I appreciate the opportunity of offering these remarks for what they may be worth and as a basis for further discussion.

## QUESTIONS BY COMMISSION MEMBERS

MR. VANDERGRIFF: Thank you, Mr. Miller. Yours is a special experience and I know my fellow Commissioners join me in saying we will profit from it very much.

Now we are going to have some questions from the Commission. We will follow the procedure of alternating among the Commissioners. We will ask them to direct one question at a time to one of our panelists. We realize that perhaps more than one question might be necessary to pursue a particular point, but as soon as that point has been clarified, we will move to the next member of the Commission.

First of all, it's my privilege to call upon Mr. Richard Ravitch from New York, a distinguished builder.

## Inner-city Density, Planning and Ghettoization

MR. RAVITCH: *Thank you, Mayor Vandergriff.*

*Mr. Jones, Houston is one of the few southern cities we have visited*



so far, and I am quite interested in the question of the use of planning as it affects the ghetto.

Can I ask, first, briefly, what percentage of the school population is desegregated?

MR. JONES: I don't have the percentage.

MR. RAVITCH: *Approximately?*

MR. JONES: No.

MR. RAVITCH: *Do you consider the fact that, as the population increases — as you have graphically described — obviously the density of this city will increase also, and the opportunity to expand horizontally is going to be increasingly limited? Do you feel the increase in density in the central city, so to speak, will decelerate the de facto segregation that exists or not?*

MR. JONES: I am not sure I understand. Are you saying as the population increases for Houston, will the increasing of densities in the central areas continue the pattern of segregation?

VOICE FROM AUDIENCE: I understand this to be a question of zoning rather than segregation. Is that right?

MR. VANDERGRIFF: Sir, I would appreciate it if you would not interrupt. We will certainly be happy to recognize anyone from our audience at the proper time. But please allow us to proceed in the orderly manner we have followed in other communities.

MR. JONES: If I may say this, Houston has very low density now. Our density is about 2,500 persons per square mile throughout the city. This density probably reaches seven or eight thousand in the more dense areas.

The availability of transportation I think is going to play a great role in whether the patterns continue as they have in the past.

We have relatively large amounts of lands comparatively close in, timewise. We are dependent on the automobile at the present time — overly dependent. In 1960, we had some 600,000 vehicles registered in Harris County. Today, that figure is something over 900,000 vehicles. It means almost one vehicle for every adult in Harris County.

The bus system certainly does not provide adequate transportation for the entire city. Hopefully, with rapid transit not too far in the future, and with improved public transportation, opportunities for all income levels to take advantage of our low-density situation will be increasingly better.

MR. RAVITCH: *The purpose of my question was not to ascertain the City of Houston's accomplishments in the field of desegregation, but I am interested, as everyone from a northern city, in the whole question of how a ghetto forms in a municipal and urban center that is increasing in density very rapidly.*

*We have seen results of this, and many of us in the North have seen the consequences of not being a little more careful in the way we use the tools.*

*There are people who believe, and I think with some merit, that poor zoning and improper use of planning tools has made more rapid the process of ghettoization in some of the northern cities. I was curious*

how a city like Houston, with its large land area, which has an opportunity to plan its future in a fashion a lot of the northern cities have not, will use the available planning tools to move toward a goal of a desegregated city.

MR. JONES: I would hope that it certainly would. But I think it's well to remember that even in our high-density areas, it's typically, at most, two-story garden apartment-type developments. And in the low-income areas the development tends to be single-family type developments rather than high-density.

MR. RAVITCH: *Thank you very much.*

## In-lieu Zoning Controls

MR. JOHNSON: *I think we have to recognize the fact that you can't very well sort out little bits and pieces of life and say, "This is pertinent and this is not pertinent." I think that failure to recognize the problems is the root of all of our problems.*

*Now, I would like to ask you, Mr. Jones, about some of the problems involved in zoning or the lack of it. If you are going to design a building on a given lot in Houston, what would be the requirements relative to the building, set-backs, off-street parking, and so forth? How does one go about obtaining this information and who reviews it, once a building is proposed? Would you comment on those, please?*

MR. JONES: Are we speaking primarily of residential buildings?

MR. JOHNSON: *Well, I am not speaking of one or the other, actually.*

MR. JONES: We have different regulations. For example, in the matter of off-street parking, residential buildings must provide parking, and the formula is based on the number of housing units and bedrooms, with up to two parking spaces being required for three or more-bedroom units.

MR. JOHNSON: *That is a city-wide requirement?*

MR. JONES: That is a city-wide requirement.

MR. JOHNSON: *That is normally included in the zoning resolutions in most places. This is interesting.*

MR. JONES: Oftentimes, of course, this is covered in zoning. We cover it in an off-street parking ordinance.

In addition, if it is a residential structure that is more than 300 feet or has any portion of it more than 300 feet from a public street, there would have to be filed a private street plat which would show the accessibility provided to permit adequate access for emergency vehicles. So there is some review of the layout of a multiple-building residential development where it extends more than 300 feet from a public street.

In our subdivision regulations for the single-family development, there are building line requirements for front yard, with requirements also for commercial, multiple-family and unrestricted uses. But the structure itself, the setback from the side yard or rear yard, from other buildings, is covered in the building code.

MR. JOHNSON: *These matters are handled by the building code rather than local option in the communities around the city? Do I understand that correctly?*

MR. JONES: I am not quite sure I understand. If it's within the city of Houston, private property would be covered by the building code and other codes and ordinances, such as the off-street parking ordinance.

MR. VANDERGRIFF: If Mr. Johnson will pardon me, when he states "communities," I think he means a subdivision in which there are deed restrictions. He speaks of these as a community, and I suppose —

MR. JOHNSON: *Yes, that is exactly what I mean.*

MR. JONES: For a subdivision that is within the city of Houston, the city does some checking to insure that the proposed structure conforms to the deed restrictions. If someone applied for a commercial building permit in a subdivision that is restricted to residential, they would be denied a building permit pursuant to special State legislation.

## Performance Zoning

MR. WOODBURY: *I wonder if Mr. Springer would answer these questions related to performance zoning. I believe you said that among the 50 localities consulting with you, you have some experience with zoning. Is this performance zoning applied primarily or exclusively to industrial uses or is it wider?*

*And secondly, would you have any comments on the difficulties of enforcement or administration as compared with the more conventional type of zoning?*

MR. SPRINGER: First, the industrial zoning area is the primary area of concern in the performance zoning at present in the Southwest, but there are a few cases where sound-level zoning has been applied broadly. Actually, we have had relatively little difficulty with the enforcement, despite the fact anyone who examines the performance standard provisions of a zoning ordinance would likely be scared by reading them, because they do specify levels of sound and other standards of a complex and technical nature.

I have found in Texas, for example, that the State Health Department and the municipal health departments have, for the most part, people well qualified to assist in the application of performance standards — the problems of air contamination is especially their area.

In many communities, even small communities which are scientifically oriented, such as those with the electronics and aircraft industry in the Southwest, there are many scientists with whom these terms and factors are ordinary daily conversation.

We are a little careful to recommend to a community without some technical capacity that performance standards be adopted.

MR. WOODBURY: *What is its legal position? Have there been test cases on its reasonableness?*



MR. SPRINGER: I know of no case to test its reasonableness. There is a man sitting in the back who is legally qualified to answer. He is Mr. Louis Nichols, who will comment this afternoon.

MR. WOODBURY: *Do you know of any real test in the state of Texas?*

MR. SPRINGER: No, I do not. We have many other performance requirement codes. These have been sustained but I know of no test of zoning performance standards.

MR. FEINBERG: *Mr. Jones, let me at the outset say that although I am a member of this National Commission and proud to be a member, that does not necessarily mean per se that I ascribe to the rigidity of the regulations or the requirements that you have a zoning ordinance and zoning law in your community as a prerequisite to receiving Federal aid. Let me say that to you now.*

*I am intrigued, though, by the fact that you, in your discussion and your testimony, said that the method of enforcing a regulation — where “enforcing” is apt to be tantamount to zoning — is through the medium of your protective easements.*

MR. JONES: Protective covenants.

MR. FEINBERG: *Which go with the land?*

MR. JONES: Yes.

MR. FEINBERG: *And they are for a certain period of time? Is it not perpetuity?*

MR. JONES: No. The more common ones now are initially established for a 20-year period, with an automatic renewal, or a two-thirds vote of the residents can change them at the end of the time.

MR. FEINBERG: *In pursuance of that very theory, may I ask you this: As a planner, do you or do you not recognize the fact that zoning is basically a necessary, or at least a good, implement to an overall comprehensive or national plan?*

MR. JONES: I would say certainly most American cities have found zoning to be a useful tool. Certainly it's also been suggested here this morning that it is not always properly used, and that improperly used it can perhaps do more harm than having no zoning at all.

MR. FEINBERG: *Just as Mr. Springer said, it's a matter of the human element — as Mr. Miller also said when he referred to the same thing.*

*But you did say in your testimony — and I am intrigued by this — in talking about Houston's problems and in talking about the fact there is no zoning in Houston, you said, “We do have our problems.”*

*Now, this intrigued me. What problems do you admit to or confess to?*

MR. JONES: Well, the problems of rapid commercial development, which in a zoned city would be termed rapid commercial zoning; the problems of transitional areas in which, of course, as in any city that is changing, there is the need to expand commercial development, need to expand the availability of apartments, and so on — these are some of the land-use problems that we do find in Houston.

MR. FEINBERG: *Thank you very much, Mr. Jones.*

MR. DEGROVE: *Mr. Jones, I can understand some of the doubts about zoning, and what must have been some of your experience in Metro-*



politan Dade County. I shared some of those experiences, and I can't deny that zoning is often not the tool it ought to be.

I hope you will take my question in the spirit in which I offer it. I am not trying to snipe at Houston. I think I am beginning to understand the sense of Houston's frustration about not being able to get Federal funds because you don't have a normal, ordinary zoning ordinance for your community. It seems to me — and I ask you to react to this assessment — that you find you can't do without zoning as land-use control, so you have come to kind of a patchwork pattern through deed restrictions. Furthermore, you have added to your system by having things like a separate parking regulation ordinance and various other things that kind of fill in the gaps caused by your failure to have a general zoning ordinance.

So you find you are in the unenviable position of doing in other ways most of the things that are done in zoning ordinances. But yet not being able to qualify for Federal funds because you don't have one.

Would you react to that assessment? Is it unfair?

MR. DOUGLAS: Only a man south of the Mason-Dixon line would dare to answer that question.

MR. DEGROVE: If you would rather not react to it —

MR. JONES: Would you rephrase the question?

MR. DEGROVE: Do you feel that you have the essential elements that ordinarily go into other zoning ordinances in other cities, in Houston, provided in one way or another in other devices you have improvised?

MR. JONES: No, I don't think we have in Houston a complete one-to-one ratio — let's say, equality of our system, a unique system of land-use control and land-use permission to move forward. It is a different approach.

I am not suggesting that other American cities do away with the zoning ordinance. What I am saying is that Houston is getting along quite well without zoning, in many respects. And while we can find problems that *might* have been prevented by zoning, we can find fabulous developments that have occurred because we have had the freedom of action of private enterprise to respond to a changing, evolving need in a fast-changing, evolving city.

One of the quarrels I have is that, since our land-use pattern is not so grossly different or grossly unacceptable to other American cities, we should be hung up on having to have zoning before we can receive our tax monies back to face up to some of our dire, urgent municipal problems.

MR. DEGROVE: I am not taking a position on that. Now just one brief question down the same line. I didn't mean to interrupt you. Did you want to continue?

MR. JONES: That is all right.

## Study of Control by Deed Restrictions Needed

MR. DEGROVE: I am a little troubled on this: Will you tell me what are the major problems that you as a planner see depending so heavily

*on deed restrictions to achieve some of the objectives of zoning? Do you see any problems?*

MR. JONES: I am not sure of all the problems as we look ahead five, ten, fifteen or twenty years, operating under our system of protective covenants. I think this is something that needs to be studied in considerable detail. We are looking forward to such a study getting underway through the offices of our newly formed regional planning council, and through them participating with a Federal Government two-thirds grant, to undertake an analysis of our present deed restriction setup, and to try to forecast what is ahead five or ten years from today.

At the present time there appear to be some eight to ten thousand sets of private deed restrictions in effect covering perhaps 70 square miles — because that is the area identified that the civic clubs cover. But we need more study, more understanding of how much of our city is covered by restrictive covenants. Will many automatically expire in five or ten years, leaving large areas without adequate land-use control? So I am not so sure today that I can say the system of protective covenants is going to take care of our problems in the future. The system of protective covenants is not a perfect tool and neither is zoning. But we need more understanding, more study, more research on this aspect.

Other cities have not relied on private land-use controls to the major extent that Houston has. We have built a system that places great reliance on these controls. Other cities have not done this, because they had zoning.

MR. DEGROVE: *It certainly would be good to have an assessment of this. It's an interesting kind of thing and worth some careful analysis.*

MR. JONES: If I might take a moment to elaborate on that, I would look to such study to shed light on a new approach toward land-use control. Too often we as planners seem to try for complete planning, complete control. Perhaps there are some key elements, such as the location of transportation facilities, location of parks and schools, and so on, that we can plan and work with and still give a high degree of freedom to builders and enterprises that develop and shape the city.

We don't have all the answers, but we are moving in a direction to uncover some of these problems.

We have seen in zoning increasingly complex sets of regulations that are regulating more and more the shapes of buildings, their forms and uses. Perhaps we need to veer away from this increasingly more sophisticated, more technical, more complex set of regulatory measures on private land use and go to some other system of planning, a looser form of controls, and thus maybe achieve as good and maybe better results.

MR. VANDERGRIFF: Thank you very much. Now I will call on Senator Douglas. I don't think it's necessary for me to dwell on his achievements. It might be of interest to the audience to know that the career of Senator Douglas as an elective official began as an alderman in Chicago, so it's very likely because of this early experience in the

problems of cities that he retains to this day such a keen concern in these matters.

MR. DOUGLAS: *Thank you very much.*

*I would like to ask Mr. Springer and Mr. Miller, who have such broad experience, whether they know of a number of striking cases where the existence of zoning has prevented improper or uneconomic and social intrusion of manufacturing or stores into residential areas, and to give these illustrations so we can get this discussion down from the abstract into the specific.*

MR. MILLER: Mr. Chairman, I could make lists, I am sure, from our files regarding instances in some metropolitan communities in Tennessee, where specific proposals that would have been detrimental were headed off by the local officials' standing firm.

I refer especially to commercial, and I think among the commercial, the automotive service units, especially filling stations, are the most common specific category of attempts to get into an especially privileged position, into the residential areas. We could list many of these.

MR. DOUGLAS: *Well, liquor stores? Would they be an example?*

MR. MILLER: Our experience with liquor stores — that is, legal liquor outlets — in Tennessee, is rather limited because of local option. It's only the larger places that have seen fit to vote to allow legal outlets thus far.

MR. VANDERGRIFT: *May I ask about neon signs. Have you headed off neon signs through zoning?*

MR. MILLER: I couldn't claim that we have, as such, in Tennessee. Our State Supreme Court needs a real doggone good test case that would upset the existing controlling case in the area of esthetics. And our courts have largely felt this was a matter of esthetics.

MR. VANDERGRIFT: Mr. Springer?

MR. SPRINGER: Speaking to the neon sign question, I prefer to refer to all lighted signs because, really, the neon sign is often not the most offensive one.

There are a number of examples of this, particularly in the location of shopping centers related to residential areas. The question is the necessity of elevating these signs in such a manner that they reflect into residential property. We have for some time handled such regulations to prevent adverse conditions from arising.

As to other intrusions, there are numerous examples of this. I recall an insurance company which sought a location for an office building in a better residential location of Dallas because of environment. They now have a very fine office building in one of our industrial parks because they were told such a residential invasion would not be approved. They are in a better environment than they would have been otherwise, and zoning was the tool which accomplished the protection of the residential area and the proper location of the insurance company.

I would like to further comment about this question of intrusion because of your interest in low-cost housing. We find that the density of retail outlets — particularly the grocery store and similar types of



uses — must be greater in the low-income housing areas. The people in such areas do not have the food-holding capacities in their kitchens, and often don't have refrigerators. For this reason, low-income areas must be treated differently from the standard considered proper in neighborhood services areas; that is, the locations are more frequent than they would be in a high-income area where the visits to these facilities do not occur so often.

## Land-Use Intensity Approach

MR. DEGROVE: *Mr. Miller, because you were talking about your trying to find more imaginative ways of using the land-use tools, including zoning, have any of your jurisdictions in Tennessee made any use of the land-use intensity approach?*

MR. MILLER: *Memphis is doing some significant staff work, gradually finding adoption within the city on this land-use intensity basis. This is a primary example that we could show.*

MR. DEGROVE: *We are going to have this as a subject this afternoon. But I don't have a shot at you this afternoon. Could I ask the same question, Mr. Springer?*

MR. SPRINGER: *Yes. These types are commonly adopted and are usually called community developments, planned developments. They are given different terms, but they mean the same thing and are receiving quite good acceptance.*

MR. DEGROVE: *Do you see them essentially, Mr. Springer, as kind of a supplement to the standard traditional type zoning ordinance, or is it a replacement?*

MR. SPRINGER: *No. It's an evolution of greater flexibility than the traditional pattern, in my opinion.*

MR. FEINBERG: *I suppose I should direct this question to Mr. Jones. I am not picking on you, nor am I finding any fault with Houston's method. Not to be facetious, but are you not in effect, saying: Is not what is good for Houston is good for the world?*

MR. JONES: *No.*

MR. FEINBERG: *I am sure you are advocating what you are doing because you recognize your own successful operation here in the city of Houston. However, I am concerned with the enforcement of these deed restrictions. Isn't that necessarily done through a private suit, through the individual citizen?*

MR. JONES: *Enforcement prior to September 1965 was done strictly by private individuals through court action. Since 1965, the city has participated through its legal department by joining in as a party to the suit.*

Now, among the material<sup>1</sup> supplied you in the green folder is a paper by Mr. William A. Olson, City Attorney, City of Houston, that goes into the details of the city participating in the enforcement of these private deed restrictions. I would be remiss if I didn't point

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<sup>1</sup> In Commission files.



out our approach is faced with a constitutional suit, and there are competent authorities who say it's unconstitutional. But this still has to be tested in the courts.

MR. FEINBERG: *Now, in addition to that, is there a wide variance between the multitudinous number of protective covenants or deed restrictions, as you refer to them?*

MR. JONES: In the various details, it would be difficult to find two out of the 8,000 that are the same.

MR. FEINBERG: *Doesn't this make it cumbersome, Mr. Jones?*

MR. JONES: If the city was in the business of enforcing everything in the deed restrictions, yes. But the city is engaged in enforcing only a certain aspect.

MR. FEINBERG: *To obtain the normal desired results of orderly development, would you not agree that a standard method of enforcing an orderly development would be much more beneficial, less cumbersome, more efficient? I ask you that question as a planner.*

MR. JONES: It might be, and it might not be. I think we have all seen the abuses that have gone into uniform regulatory procedures which can be highly complicated and applied differentially. I agree that our system of city participation in the enforcement of private deed restrictions is not a simpler procedure and does present a lot of difficulties.

MR. FEINBERG: *For instance, if you had a zoning ordinance which required certain things and prohibited other things, a person coming in to develop an area or build a structure would be denied a building permit immediately upon the very face of the document itself, if it did not comply with the zoning ordinance?*

MR. JONES: Until he got a change.

MR. FEINBERG: *This would simplify it? And again, I propound this question to you as a planner.*

MR. JONES: Yes, in zoning, it would simplify it, yes.

MR. FEINBERG: *All right. Thank you.*

MR. DEGROVE: *Mr. Jones, I certainly am very much impressed with the effective Texas annexation procedures. We have nothing like it in Florida. We burn with jealousy at the fact that you are able to annex so efficiently, taking in all this great amount of land area in Houston in a relatively brief period of time. Have you ended up with a score of subcommunities that have some sort of formal powers within the city? It seems to me I was talking to somebody from Houston who said they have subcommunities in Houston that exercise some sort of quasi-powers.*

MR. JONES: This might be subdivisions that have a civic club, that have private deed restrictions.

MR. DEGROVE: *Right.*

MR. JONES: There are small cities, separately incorporated municipalities, in the Houston area far different from Florida, though, because of our annexation laws in Texas.

MR. DEGROVE: *You sort of float around them, do you?*

MR. JONES: I think the regional map on display shows the separate

incorporated municipalities. The Harris County area is about seventeen hundred square miles, and our jurisdiction extends five miles beyond the city limits, to cover some two thousand square miles. In Harris County, about 75 percent of the population is within the corporate limits of Houston with 447 square miles. Fifteen percent of the population is in some fifteen-plus incorporated municipalities varying from a few hundred population to Pacadena, with some seventy thousand population. Most of these cities have been surrounded by the city of Houston with the exception of some out in the far reaches.

In addition, the city, pursuant to the State legislation in 1963, must approve any new incorporations within five miles of the city limits or approve any annexation by these other cities. So, in effect, the city of Houston potentially has the unincorporated area for quick expansion.

One other feature that may be unique here — while the primary body of our city limits of 447 square miles is fairly intact and contiguous, we do have finger annexations — ten-foot wide strips running along the public highway rights-of-way — that extend the jurisdiction out some twenty-five or thirty miles in some instances. We are something approaching a metropolitan government. But it's not like the Florida situation.

MR. WOODBURY: *You mentioned something of the 200 smaller localities in Tennessee to which your Commission and staff have been giving planning assistance over the years, Mr. Miller. I am interested in the character of that planning assistance.*

*How many of these localities have what might be called a full-time professional staff, even if it's a one-member staff? And has there been any change in the frequency of these full-time staffs in those smaller localities over recent years?*

MR. MILLER: I mentioned the metropolitan communities having their own staff.

MR. WOODBURY: *Yes.*

MR. MILLER: In addition, there are five in the submetropolitan range which have their full-time staffs. This was at our initiative in persuading them that they were big boys now and they could use full-time service. It would be worth their while to have a full-time staff on the ground all the time, to plow the expertise into the operations of city government on a day-to-day basis as well as carry on the formal planning program.

Now, the principal changes that have come about in these communities stemmed from the loss of staff as they were hired off by other places.

MR. WOODBURY: *In the advice that your Commission staff gives, do members of your staff specialize on certain regions within the state?*

MR. MILLER: To bring this local planning service to the various local jurisdictions across the state, we operate through five regional offices, as we call them. Tennessee is long, it's narrow, and these outlying offices then bring the staff within, say, no more than one hundred

miles of the communities which they serve. Typically, a professional on our staff will be serving three, four, or five local units, depending on whether they are relatively dormant or relatively active, the size and complexity of the community, aggressiveness of their program, and so on.

We do find that when the mayor of the small town calls and says: "John, we have a problem," the stage is set for planning to be put to use in local governmental decision-making. First, the mayor has decided John is worth listening to, and he calls him John; and secondly, the mayor has brought his problem to a technical man. These are simple little things, but they are important in getting results. Finally, there are a lot of small towns in America, and some of them are going to grow bigger. Let's hope they grow soundly.

MR. WOODBURY: *Thank you very much.*

MR. JOHNSON: *Mr. Miller, I happen to be a native of Tennessee. I was formerly from Nashville, but that has nothing to do with my question. I would like to know if the State of Tennessee has vested in the planning commission of the State any responsibility with respect to statewide planning for the location, let's say, of highway improvements and water resources, conservation efforts. Do you have any powers with respect to land use in a broad sense, or is that pretty much vested with the local town boards or city boards? Or is this accomplished mainly through your liaison with these smaller groups; that is, is your policy effected locally by your own staff in these smaller communities?*

MR. MILLER: A great deal of the State policy is carried to the communities through our own staff efforts.

Now, I do not want anybody to feel it is a sly way of superimposing something. This is a method of communication. The State has given the local governments very broad powers for carrying on the functions of general government, and a great deal of latitude for contracting or agreeing with one another in carrying forward things that are extra-local in character, subregional.

When it comes to land-use controls, these are made abundantly available to the local units of government. For example, at the present time we are rendering staff services to a four-county group in the Upper Duck River region south of Nashville, which looks not only to the general regional development but also to a future overall land-use pattern, and anticipates water control projects in the area.

To make clear what we are doing in that instance, we are working with a representative regional body so there is a basis for thinking regionally. But whether the final reports are printed in four volumes, one for each county, or whether the role of each county and each municipality is made abundantly clear in the single master volume is not decided yet, as far as the mechanics are concerned. The point I want to make is that we find in our framework the opportunity of thinking regionally without upsetting the prerogatives of local government to do the implementing.

MR. JOHNSON: *Thank you.*

MR. RAVITCH: *I have two questions. First, Mr. Jones, with respect to*



those areas that do not have a separate legal identity or historical identity or are not encompassed by a civic club: Is there any political mechanism whereby the people in a community have any right to participate in a decision as to any additional improvements or new construction in the community in which they live?

MR. JONES: You are speaking of municipal improvement, such as, drainage, sewerage and streets?

MR. RAVITCH: *Both municipal improvements and those improvements initiated by private enterprise.*

MR. JONES: Of course, where there are no deed restrictions and it's within the city of Houston, the decision of using the land in a particular way is up to the individual developer. Of course, this is influenced by whether or not the site is really good for the purpose anticipated.

So far as public improvements are concerned, there is a district councilman who is concerned with his district of the city. And there are formal groups — these civic clubs I mentioned — but I would say that there could be improvements in strengthening local groups to communicate better with the city about which improvements they feel are more vitally needed.

I think one particular example of work that is underway in the city is the Bottom project, which the Mayor may have mentioned this morning, where we are trying to work with the citizenship in the area. Initiative came from the area and certainly is encouraging, and it has now reached the level where there is a full-time assistant to the Mayor on this project. This is the kind of thing, instituted as sort of a pilot project, that can be widely expanded over Houston with great results. This problem of citizen participation in a city of two million is a real concern with the Planning Department, and I know it is with the Mayor.

MR. RAVITCH: *The next question is directed to Mr. Miller. Do you believe the question of segregation, the question of race relations, is a subject proper for planning officials?*

MR. MILLER: I would say categorically it is not good planning which does not consciously take these matters into account.

MR. RAVITCH: *Thank you.*

MR. VANDERGRIFF: Thank you, Mr. Ravitch.

We are going to have to conclude this phase of our hearing, regretfully, because this question is of such great interest to us, as has been the formal testimony of these distinguished planners. Certainly they have contributed so much to the Commission, and we appreciate their comments.

As Mr. Douglas mentioned at the start of the proceedings today, we do allow and, in fact, invite, any and all citizens who might have some statements on the general topic we are discussing, that they would like to direct to the Commission. We also encourage the submission of written statements, either now or later. Such statements, of whatever length that seem desirable to the person or persons submitting them are made a part of our Commission record. They are studied by all members of the Commission, and will be given consideration in the



completion of our final report. Would anyone who would like to speak please come forward and state your name and the organization you represent, for the benefit of our record. We will be most appreciative. We apologize in advance that we have to insist on brevity.

## PUBLIC WITNESSES

### **Ralph Anderson: Billboard Menace and Zoning**

MR. ANDERSON: My name is Ralph Anderson. I wish to offer some comments on Houston, and its absence of zoning. I speak as a lifelong resident of the city, as the immediate past-president of the Houston Chapter of the American Institute of Architects, and as chairman of the citizens action group called Billboards Limited.

For decades, while enjoying vigorous growth and prosperity, Houstonians have come to feel, rightly or wrongly, that anything is possible here. Some with enough guts and enough money will do the great things that will make Houston a great city. And indeed, we have been lucky in the quality of the achievement of our wealthy men who have built our monuments and cultural institutions and citadels of commerce.

The average citizen of Houston, however, has never had to declare himself as a direct participant in the things which contribute to a better environment in Houston because somebody else would always put up the money. There has always been the feeling among Houston's average citizens that anything which supplies one a livelihood or makes money is sacred, and the private rights of individuals supersedes in every way the collective rights of the general public — of everyone else.

This has been demonstrated quite obviously in the repeated rejection of zoning by the voters. Other planners elsewhere have expressed doubts about the efficacy of zoning as presently practiced. And these doubts have not helped make zoning any more attractive to Houstonians.

The two principal criticisms about zoning are its tendency to stifle initiative in land use, and dirty work at the crossroads in city hall. Until such time as theoretical planners and the legal eagles who write the legislation can come up with a new approach to land-use regulation that takes these two points into account, there will be no zoning in Houston, and the environment of the inner city will begin to decline noticeably.

The Houston Chapter of the American Institute of Architects attempted to educate Houston to improvement in several ways in its Blueprints of the Future program, which was well received everywhere. Unfortunately, when asked how these things could actually be accomplished, we had to lamely admit some could be done by private enterprise, but much of it would require community action and support by city government.

Any kind of urban renewal by other than private funds seemed extremely difficult to achieve here, if possible at all. Regulations by which Federal funds are made available to cities militate against your ever having any sizable program of upgrading the land use in some areas.

One point brought out was the great proliferation of billboard decks throughout our city. You who have come here must have a very vivid impression of this, unless you were asleep all the way from the airport to the hotel. We have too many billboards. They are too big, too close together, as everywhere. These billboards are defeating all effort to create beauty.

As an outgrowth of all this, the program for Billboards Limited has been formed. We have almost six hundred members. These people believe strongly that we need a city ordinance to regulate where these billboards shall be allowed and where they shall not be allowed. There is plenty of precedent in other cities for this type of regulation, where the regulation is part of the zoning ordinance.

There are some instances where such an ordinance in other cities is not part of the zoning ordinance, but where the principle of comprehensive land-use regulations is already well established.

We are having to approach the legal means to accomplish this ordinance in Houston through the police powers in the city, which makes our job more difficult. But we believe it is possible. If the City Council of the city in responding to the will of the populace will pass this ordinance, then we can have some reason to feel that our citizens are maturing in their regard for greater good for the public in environmental matters.

But a continuance of a laissez-faire approach will be extremely dangerous from this point forward, as Houston assumes more of the big city problems.

Thank you for this opportunity to express my views.

MR. VANDERGRIFF: Thank you, Mr. Anderson. We appreciate your comments very much.

Do we have anyone else who wishes to direct a statement to the Commission?

VOICE FROM AUDIENCE: Can I speak from right here?

MR. VANDERGRIFF: No, sir. We have a court reporter and we would appreciate your joining us here at the table; come up here to the table and give us your name and any organization you are representing.

## **Mr. Prokop: Houston without Zoning Worthy of Aid**

MR. PROKOP: I believe I will speak standing up. Can you all hear me all right?

Mayor Vandergriff, Senator Douglas, distinguished members of the Commission, and members of the body here assembled: I am honored to be here today. I am speaking as a citizen. I am Lester Prokop, businessman here in Houston, builder, developer. I have taken, through

the years, an active part in civic development of my city. I want to make a few remarks here off the cuff. I have a written statement, but it's going to be spoken from the heart, you might say.

I feel in a rather unique position when I read about the problem of Houston, the only major city in the United States without zoning ordinances. And I say to the Commission that I hope that you leave here with the thought in mind that maybe we do have something here in Houston without a zoning ordinance, without zoning. I think we are on a pretty good horse here. You read in periodicals and hear every place you go about something happening in Houston, the big Astrodome built with private initiative, private money and private enterprise, supported by the city bonds. But it took one man — former Mayor Hofheinz — to put that deal across. It took private initiative to do it.

We have a large expansive area here. I say we need Federal help in our city, in this area. Roscoe Jones said we have 447 square miles in the city limits. We have small areas where we need urban renewal. Does it make sense from a practical standpoint to zone 447 square miles in order to take a small percentage where we need urban help? To me it doesn't. If we are going good and have a fine city here, it seems —. My reaction was that members of the Commission in most instances wonder how in the world did we do all this without zoning.

I want to ask you just one thing. Look around here in this room — this fine room we have here — the fine statues and the fine golf course. You know we accomplished this without zoning? You wonder how we did it? We are moving forward. We are moving fast, and I hope you all go back and study this and say, why do we have to be denied Federal funds. We pay taxes. People from this community have contributed to the leadership of this Nation and this State. Why should we not have as much benefit and get our Federal funds as other cities that have zoning?

Again, I want to say something about the zoning question. Zoning came about, was spawned by the industrial revolution. That was when — 1875, or around that time? It seems now we want to follow the old pattern. They said zoning was good then; it should be good now.

Again, I think we need the interplay of thoughts of planners, businessmen, civic leaders, and citizens to work this thing out together. I want to say one thing to you — by the way, Mr. Alex Feinberg and I are good friends. We have known each other for years. I was happy to see him here. I think he was a little surprised to see me, and I was surprised to see him.

I want to say to you, Alex — you are a friend — to plan, you make quite a point, that is good. But I want to make this point. In our private enterprise system, and in the way we like to operate here in Houston, which has contributed to its growth, we don't want to make it too easy on the planner. We want to work with him. Roscoe can tell you that. He has the respect of every builder and developer in Houston. We don't go with him every time and he doesn't go with us every time, either.

I think I have said everything I want to say here. But there is one last thing. We all know we are in a changing society, and we have to investigate and give interplay of thoughts. If we want to put a rubber stamp on everything we do in this city and throughout the state and Nation, it isn't going to work. Don't shackle us, please, and think we have to have zoning.

MR. VANDERGRIFT: Thank you very much.

Anyone else?

## **Mr. Triplett: Zoning to Protect Neighborhoods**

MR. TRIPLETT: I do not represent an organization. I am a private citizen, retired from Civil Service, and in the Army. My name is L. C. Triplett. I live in the Heights. I speak for a few neighbors around the area of 18th and West 17th where they cross. We have been invaded by industrial people. Free enterprise, yes. But in this day of private and public transportation, a man does not have to locate his plant within walking distance of the home of the employees. It isn't necessary at all.

An agent of one of the companies located in that area lied to a widow woman next door. This good neighbor, who depends on me for some business advice occasionally, had a man come and threaten to have her home condemned because a freeway was coming through. That was a lie. City Hall would not admit there was a plan for a freeway through there. But that is the tactics of some of your free enterprise people.

I would welcome help from the government in Washington or Austin or anywhere to get zoning in Houston to protect the individual citizen whose biggest lifetime investment is a home, who spends leisure hours working in their home and in their garden and on their lawn and trees, on neighborhood projects. They send their children to the neighborhood schools and church.

You move in industry and they bring noise. They bring the truck traffic, block streets and alleys. The store vehicles block the sidewalks and alleys and driveways. You have to call the police to get out of your own driveway. They keep you awake after 10 o'clock at night. The city police say, "We are helpless. We cannot enforce a regulation that does not exist."

Noise from industry is disturbing to heart patients. It disturbs babies taking naps, and nightwatchmen who are sleeping in the daytime. They make a nuisance out of themselves. And they will lie.

I am a conservative Republican, but I still would welcome anything we can do to get zoning in this city. There are churches and Sunday Schools operating at less than capacity because the unzoned areas in our city all over Houston have had industry move in with loudspeakers at drive-in stands, and with other noises and disagreeable noises at beer joints and other types of businesses that have odors, noise, bright lights, and health hazards.

We have had to drive out of the city the selling of fireworks after a



terrible tragic accident. And we have to watch to keep butane storage and things like that out of our residential areas.

We should look to the funds spent, the tax funds and the private funds that build churches, schools, and parks, that often need help in the neighborhood areas.

We do need controls, because selfish interests will ruin your neighborhoods, and today you do not have to live next door to the factory or the plant where you work.

MR. VANDERGRIFT: We appreciate your comments.

Now, I wonder if there is anyone else who has a statement to direct to the Commission? If not, we thank you, one and all, for being with us. We will be more than happy to have you join us at 2 o'clock when our hearing will resume.

(Adjournment.)

*Garden Center  
Hermann Park  
Houston, Texas  
Afternoon, August 10, 1967*

## NEW IDEAS ON LAND-USE REGULATION

MR. VANDERGRIFT: Ladies and gentlemen: We appreciate the promptness of those who are associated with our hearings, and we will try to start our afternoon session at this time.

We are so very fortunate to continue on the same plane as this morning in terms of the professional qualifications of our witnesses who are to be heard just now. We will ask for statements from these three distinguished men, hoping these statements will be on the order of 15 to 20 minutes. At the conclusion of those statements, the Commission members will appreciate the privilege of directing questions to you.

Our first witness of the afternoon is Mr. S. B. Zisman,<sup>1</sup> planning consultant, architect, educator, and writer, from San Antonio, which is certainly one of America's most interesting cities. I am completely convinced from past occasions that Mr. Zisman is one of America's most interesting thinkers. And I am sure the Commission members will appreciate the chance to hear your observations this afternoon. Mr. Zisman was the planner of the huge southwestern industrial district between Dallas and Fort Worth, where the Commission will actually be staying tonight. Mr. Zisman.

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<sup>1</sup> Planning consultant on various state, city, downtown and campus programs in U.S. Consultant to Department of Housing and Urban Development and former member of Philadelphia city planning board. Visiting architect and professor of architecture at University of Utah; former faculty member in architecture at Massachusetts Institute of Technology and Texas A&M College.

MR. ZISMAN: Mr. Chairman, I am sure from witnesses you heard this morning, and from others you will hear elsewhere, you will get a good picture of the characteristics, the ills, and the shortcomings of zoning and other land-use regulations as they may be applied today. My purpose is to make a few points very briefly with respect to the broader aspects of land regulation. Because the time is short, these points will be amplified in a number of papers I have done, from time to time, to cover many of these points, and I will submit these to the Commission.

I will be especially interested to have you go over a series of three papers prepared for the Department of Interior, Bureau of Land Management, having to do with land zones, land-use regulations and approaches to site planning, which refer to the uses of land.

The three points which I would like to mention very briefly are not sensationally new. As in many of these things, they stem back to practices, some of which have been forgotten, some of which come out of the thinking and work of a great many people over a long period of time. But I think in the context in which I want to present them, there may be something innovative that may be of use to the Commission.

## The Case for Special Districts

The first of these points is the very simple statement that we ought to, I think, articulate more clearly than we do the different systems that reflect the districts, types of districts, and areas we deal with.

Not long ago I was assigned the job of preparing some zoning material for a metropolitan area around Little Rock. One of the things that interested me was the fact that we had one area — the Capitol District — which was unique and distinct. This is true of every capital city. The area around the state capitol is not repeated elsewhere in the metropolitan area. It takes a different kind of approach.

So we have to begin thinking, it seems to me — this may be oversimplified — in terms of *standard* and *special* areas or districts. I make this distinction primarily to underscore the difference between those things which can be measured and those which cannot or which are very difficult to measure.

Most of our zoning and other regulations are based on measurements — a certain number of square feet in a lot, so much setback for a lot, so much height for an area, so much percentage of ground covered, and so forth. Where such measurements can apply, we assume the right to develop should be given to the person making application for development. But there are a great many other areas, one or two of which were touched on this morning when Mr. Springer referred to the special beach zoning of Galveston.

A great many areas of various communities, large and small, have very unique characteristics, whether from geography or development or one reason or another, that cannot be measured uniformly. And it seems to me we must apply — and be willing to face the risk — not so much of measurement, but the exercise of judgment — something we are very often reluctant to face. There are risks in the exercise of judgment, but I think it is important to recognize that a great many areas and districts are not easily measurable. While some standard of measurement can be applied, they call for, primarily, an exercise of judgment.

## **Lot-by-lot Zoning Not in Best Public Interest**

My second point would attempt to broaden the thinking on zoning in terms of development. Practically all zoning is based on lot by lot, and this concentrates pretty much on the individual property holding, sometimes to the detriment of the community or public interest.

In zoning we find it difficult sometimes to meet the objections or requests of people on any rational basis if we accept zoning on a lot-by-lot basis. We are limited as to time and cannot go into this to any extent, but a typical situation is one where a gas service station has been put in one corner and across the street the property owner says, "You have permitted a gas station over there. Why not over here?"

It seems to me there is a growing recognition of the need of relating land use in development and regulation, not on a lot-by-lot basis, but on a larger scale. I suggest that perhaps we might take a fresh look at zoning in terms of the kinds and form of development which are at stake. I suggest simply four possible areas for this, which might be a fresh approach on the question of zoning and other regulations:

First, the single-use development. It is true, and will continue to be true for a long period of time, that we will have areas that will be subject to single uses — residential areas typically, in suburban areas. Commercial development may also be single-use in type.

Another type of development to which I think now we ought to give increasing attention is that of mixed uses. The truth of the matter is that mixed uses historically are more typical than single use. Most of our small areas and communities find it worthwhile and offer a very real expression of mixed use, rather than separate uses. In some respects and at certain times, zoning of a very small community gets into difficulty because it is trying to develop a pattern of single uses throughout the community when, really, the pattern of use ought to be thought of as mixed-use development.

There is a third type of development which I think might be important to relate to land regulations — what might be called transitional or special development. Perhaps the most noteworthy is the renewal areas. That kind of area is now carved out preferably on a scale big enough to mean something. The same rules that apply to new developments do not apply to renewal developments. Some of the

difficulties in urban renewal arise from the fact that we are trying to apply the same formula that we apply to new subdivisions, which call for a somewhat different approach.

The same is true with regard to peripheral areas. What we do now is to put them arbitrarily into what zoners call "A" residential, single-family zoning, and invite trouble later on when other ideas come along for other types of development.

## Fresh View on Open Space

I would suggest a fourth kind of land use that needs a fresh statement, a fresh view for control and regulation and development. This is the open spaces, those spaces on which we do not build.

To me, one of the great issues in urban development — older areas and new areas alike — is the issue of *not where to build but where not to build*. It has been said elsewhere many times before, but it's always worth repeating, that of all the resources we have at our command, the only resource that does not increase is land.

Throughout the building of this country, there has always been the feeling of plentiful land. One could constantly move outward and outward. Basically, the whole psychology, the whole philosophy of our development, has been to build, sometimes wisely, but more often indiscriminately. We have tried to correct this with controls, but it seems to me we are in a period where we ought to be trying to find some fresh approaches which will marry design, planning, and regulations, not divorce them from one another, as is being done now. I think this is one of the implied criticisms of the Houston approach.

But I would suggest that we could devise in our planning approach a recognition of the fact that open space is not left-over land, to be developed indiscriminately, but that it has a positive function to serve as a land use, whether for drainage areas, for park and recreational facilities, or for what I call corridor spaces — the areas for transportation passage and so on. If we could develop a system of open spaces, we could develop a basic structure for urban development. This would give us an opportunity to create a setting for development. It would leave a little bit more freedom in design of development than we have now under the rigidity of our zoning practice.

If I may refer to something that Mayor Vandergriff said — in planning the large area for industrial development between Dallas and Fort Worth, and including a portion of Arlington, we appeared before the Planning Commission of Arlington at one time. We suggested to them that instead of trying to give a precise lot-by-lot regulation of the land proposed to be developed — which would be very difficult because we couldn't foresee the future for the next 10 years — if we could show what the basic structure of the development would be in terms of corridor spaces and spaces not to be used for building, we could successfully come before the Commission with very specific designs for development. And this was accepted by and large.



We didn't have the help of any lawyers at the time, but we found technical ways in which the city could accept this line of approach and leave the freedom to move in the direction we wanted to move.

One interesting development came up, and if I may have a moment, I will tell you this specific story. Through this area runs Johnson Creek. Now, most of Texas, particularly down here in this Dallas area, is thought of very often as being flat country. But we were having grade elevations of 40 to 50 feet along Johnson Creek.

I proposed that we leave the area along Johnson Creek *not to be built on*. This shocked some of the people working on this thing, because their approach had been to develop all of the land. Well, we had quite a controversy, and finally it was taken up with the president of the corporation to discuss the matter. Mr. Wynne turned to me and said, "Sam, what are you going to use the land for?"

I said, "I don't know. All I know is that with the nature of this land, with the drainage problem here, we ought to leave it alone."

I suggested if we were smart enough we could probably turn it into some kind of park with some proper returns, by using the land appropriately. I said, "We have so much land in the development, why can't we let this go for awhile and leave it alone?"

Mr. Wynne agreed to let this land lie as a land bank. As the program developed, as new ideas came into the picture, one idea was developed to have a sports center, recreation center, and amusement center. As a matter of fact, the first idea of what is now "Six Flags," which I hope you will see while you are there, was originally called for in that plan, and was made possible by leaving that land alone.

Now, this is very important to me because it's the open space kind of use, although it has very good returns at the present time.

It seems to me, therefore, that if we could begin to think in terms of some fresh approaches on land districts, and relate to the development problem as a whole rather than utilizing some of the present formulas; and most especially, if we could develop and devise an open space system, not just pieces of open space, but an open space system tying together the various kinds of functional open spaces, we might have, to begin with, an opportunity to develop the kind of environment we seek to develop. Most certainly we would have a much more sensible and practical way of approaching our problems of development and regulation.

MR. VANDERGRIFF: Thank you for these most interesting comments. I am sure we will have some questions and comments in just a few minutes.

Next we will hear from Mr. Byron Hanke,<sup>1</sup> who is Acting Deputy Director, Architectural Division, Federal Housing Administration, Washington, D. C. Mr. Hanke has a special background that should be of much interest to us. He is an innovator of cluster housing and planned unit development. Mr. Hanke, it's a pleasure to have you with us.

<sup>1</sup>Directed Urban Land Institute study of cluster housing and planned-unit development 1962-64. Co-author of *Homes Association Handbook*, guide to development of cluster subdivisions.

## STATEMENT BY BYRON R. HANKE

MR. HANKE: Thank you, Mr. Chairman. Distinguished members of the Commission, ladies and gentlemen: I am delighted to respond to your invitation to testify on alternatives to zoning which the land-use intensity concept offers. I have been deeply involved in cluster subdivisions, land-use intensity, and other planning matters for many years, and believe, as has been testified here, there is much wrong with zoning. Also, that no zoning is not desirable. There is a need for an alternate method of zoning, as Sam Zisman has recommended. I have worked for several years on such an alternative system and would like to present the elements of it to you today, very briefly.

I have taken this occasion to set down a summary of many of these things in writing, and to present it to you. In this spoken testimony I will just hit some of the highlights from the written statement.

This involves, first, the goals of the new approach to land-use intensity standards in zoning.

And second, what this new land-use intensity system is that we have developed in the FHA and have been working with for several years.

Third, how it is used in FHA and in zoning, experimentally, today.

And fourth, how it might be further developed for better application.

Let me make clear at the beginning that land-use intensity is simply a measurement system concerned with the physical components of urban development. Like any measurement system it can be used in various ways. The system has been used both in FHA's published standards for private housing operations, and in local public regulations in zoning.

When it first came out, the land-use intensity system was questioned as revolutionary. Perhaps it is. Perhaps it's as revolutionary as zoning itself was in 1916 when zoning was introduced.

Let me first address myself to the goals of this new approach to land-use regulations.

My written testimony presents comments on recent efforts to fulfill the promise of Radburn and other prototypes of cluster subdivisions, on the FHA program of planned-unit developments (PUDs) with homes associations, and on the home association concept itself.<sup>1</sup> The *Homes Association Handbook*<sup>2</sup> shows very clearly how workable the automatic-membership homes association is for maintaining facilities in residential developments.

I was interested, this morning, to hear so much about the experience in Houston. Here, the neighborhood associations are, as they

<sup>1</sup> The "homes association" concept expresses a method under which homeowners, in collaboration, provide for the private maintenance of common open space and recreational facilities in residential developments where public maintenance is not available, or where private maintenance is preferred. Membership in the association is automatic, in that each homeowner is assessed for funds to support the common activity. Historic examples of homes association include Gramercy Park in New York, Louisburg Square in Boston, Radburn in New Jersey.

<sup>2</sup> *The Homes Association Handbook*, Urban Land Institute Technical Bulletin 50. Washington, D.C.: Urban Land Institute, 1964, revised 1966.

were called this morning, civic associations, and they do much for a city as a whole. We have, I think, through the device of planned-unit development with homes associations, a great opportunity to let the people at the neighborhood level do many things which they can do best, leaving the larger jobs to government at the community level.

## **Cluster Subdivisions and Home Associations**

Cluster subdivisions, open-space communities, and other PUDs, have now been shown to be highly desirable when properly planned and constructed. Unfortunately, they are still the exception in urban development instead of the norm. The primary reason, I believe, lies in the rules of the development game as established by most local planning regulations. These still favor the lot-by-lot subdivision of land without common open space, in preference to cluster subdivisions with common areas and a better living environment. Until this local regulation is reversed, America's urban areas, I believe, will continue to develop as outmoded cookie-cutter subdivisions instead of the open-space neighborhoods needed for today and tomorrow. And this is where the land-use intensity measurement system comes into the picture.

Before proceeding to the land-use intensity system, however, let me observe that we have hardly scratched the surface of the potential benefits of the planned-unit development approach to new urban developments. Sunnyside Gardens in Queens, New York, by Clarence Stein, way back in 1926, and recently Hartshorn Homes in Richmond, Virginia, in 1961, and others, have shown the practicability of this concept for low-income families. At only \$11,500 for a home, Hartshorn produced an air-conditioned one-story home, three-bedroom, bath-and-a-half townhouse, including a share in an open-space community with a swimming pool.

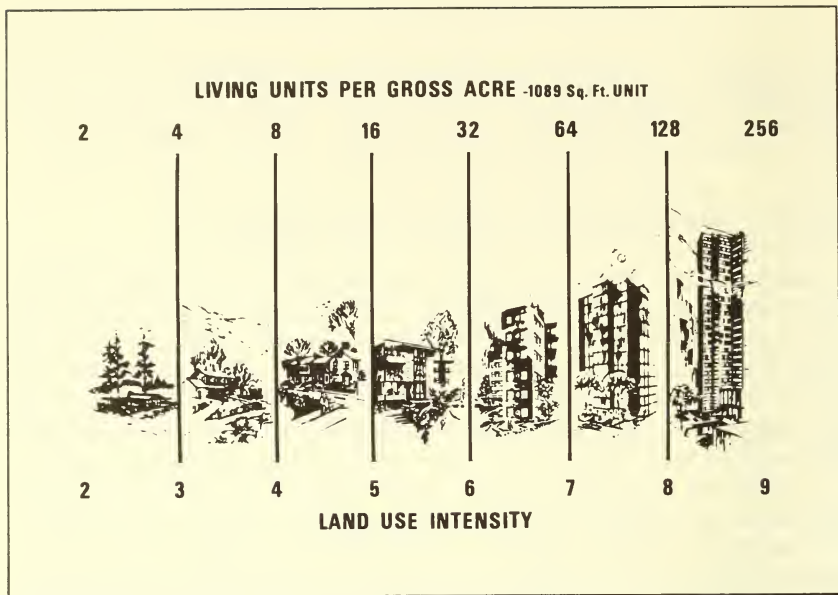
Like the farmer cooperative in a rural area, the homes association can be developed as a vehicle for a variety of neighborhood functions in an urban and suburban area. An association-owned building and the association's committees and clubs can be effective funnels for urban extension services in giving information and guidance to homeowners on a variety of matters. Developments with low-income families could have very active neighborhood centers of this kind, collaborating closely with local agencies concerned with employment, education, health and welfare.

## **Land-Use Intensity: Alternative to Zoning**

Now, let me move on to my second subject. What is land-use intensity? It is a new approach to land-use regulations. We call it LUI, for short.

The land-use intensity system devised by FHA is a simple numerical scale from one to ten covering all intensities of land use, and a body of





*Chart 1*

project planning data about the major physical components of residential developments at various intensities.

In land-use regulations, the basic question always is: How will the site be developed? It is just that simple.

In zoning we go at it with a lot of usage classifications, and then a complex of details of building height, yards, coverage, and so forth. It gets very complex.

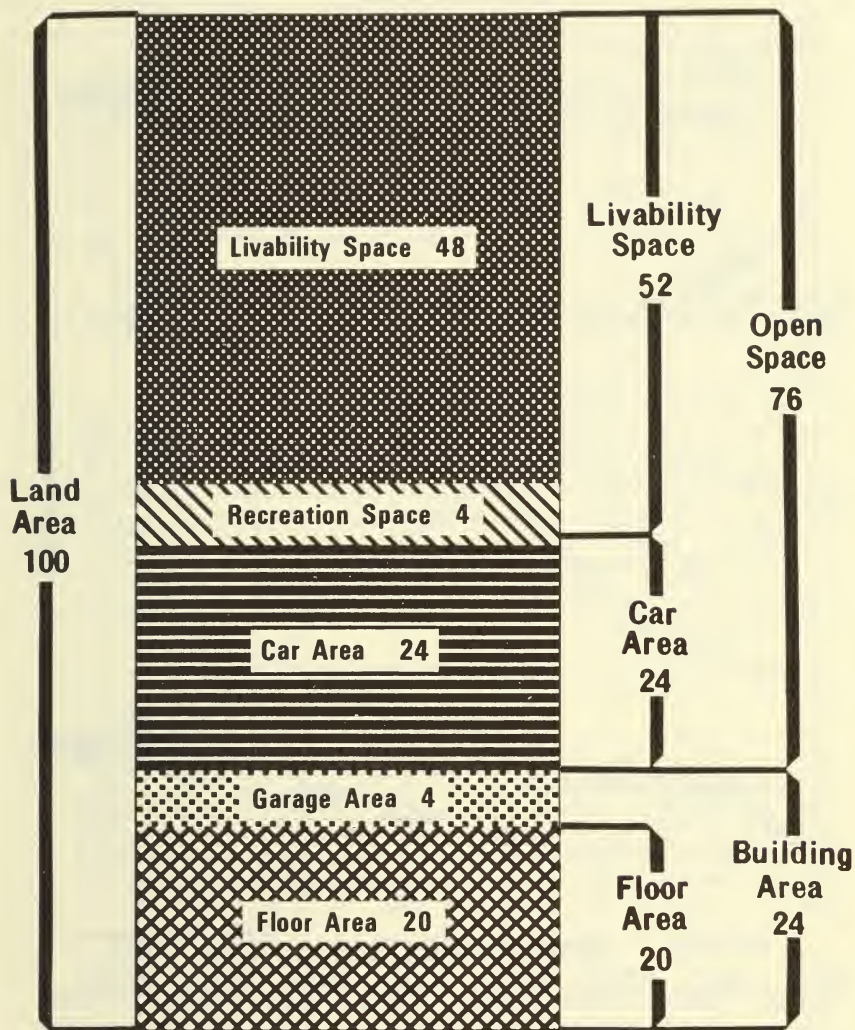
Actually, how we develop the site involves the basic question of building floor area in relation to land area. What is left over is the open space we are so concerned about.

Now, these are really the questions we are asking, whether we are the developer, the lender, the builder, the public official, or the home buyer. Specifically, what is the composition of the physical development of the land? Basically, it's a question of floor area in relation to land area. Depending on this, how much car area do you need? Some of the land may be used for garages. Some of it is in streets. Some is for parking areas. That leaves only so much for people. This is the real question: how much livability space is there — how much green space is left for people? We are not looking at what percent of the land is in open space. Rather, we ask: is there enough open space for the number of people who are there? So, this question of livability space is related to how many people. And people can be estimated in terms of floor area.

The land-use intensity measurement system comes up with the answers to these questions on specific projects in specific locations.



# L-U-1 COMPONENTS



*Chart 2*

They range anywhere from an outlying half-acre estate through all kinds of densities, on up to Chicago's and New York's great apartment towers, as shown at top of Chart 1.

Usually we have talked in terms of density. Typically with densities, we are dealing with a fixed unit, a living unit. But it may be as small as 500 square feet or as large as 2,500. Thus we deal in density with a unit than can be multiplied five times in floor area size without registering any change in the actual measurement.

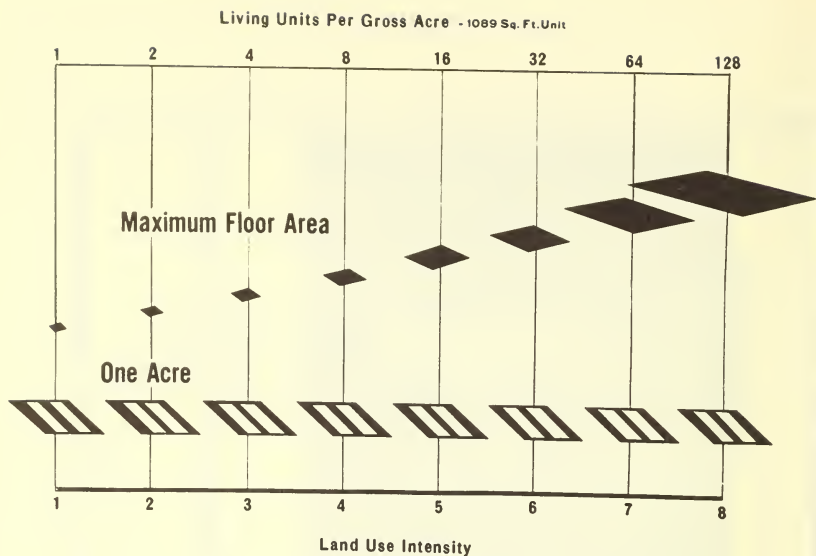


Chart 3

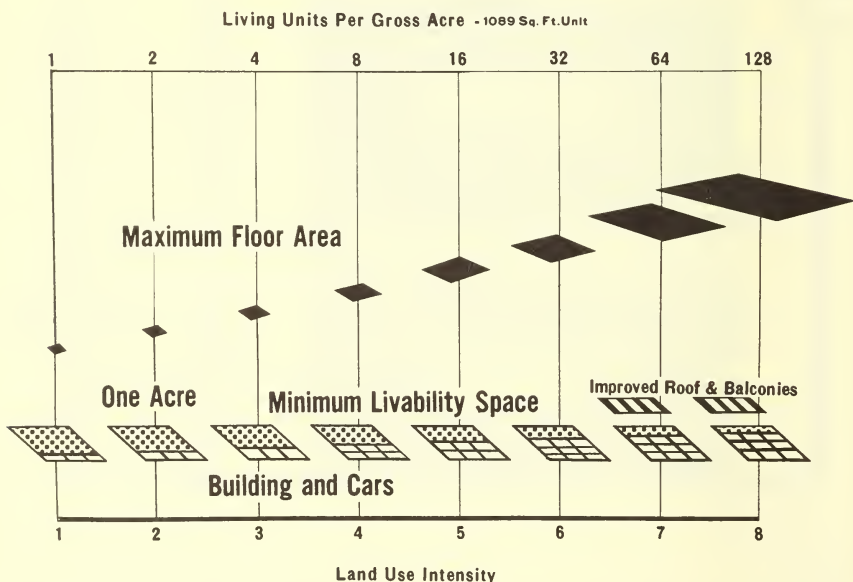


Chart 4

In the land-use intensity system, we come up with the simple measurement of one to nine or ten. (See bottom of Chart 1.) Usually the range from three to eight is used.

As you increase density or coverage, certain things happen. And in our research, we simply explore what they are. For example, with about eight dwelling units to the gross acre, we found a hundred acres

# Living Units Per Gross Acre - 1089 Sq. Ft. Unit

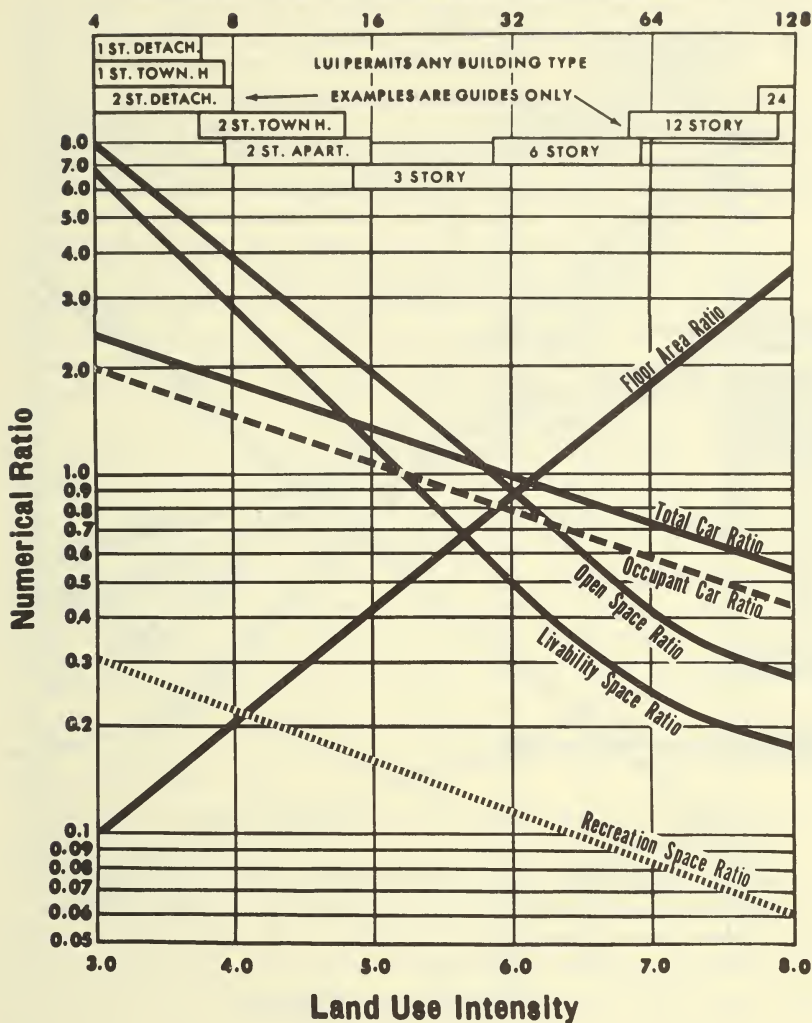


Chart 5

of land actually used as in Chart 2. About 20 acres of it is covered with houses, and about four acres with garages. How much of it will be left as open livability space for people? Typically, if you have this much floor area, another 24 acres of land is needed for car area, streets, parking space. That leaves just 52 acres for people. A very important relationship is the livability space of 52 acres in relation to the floor area of 20 acres. We call this livability space ratio.

Another question is: how much large common open spaces can there be? We know if you have this much floor area in relation to the total land area, it is practical to come up with four acres of common open

# Living Units Per Gross Acre - 1089 Sq. Ft. Unit

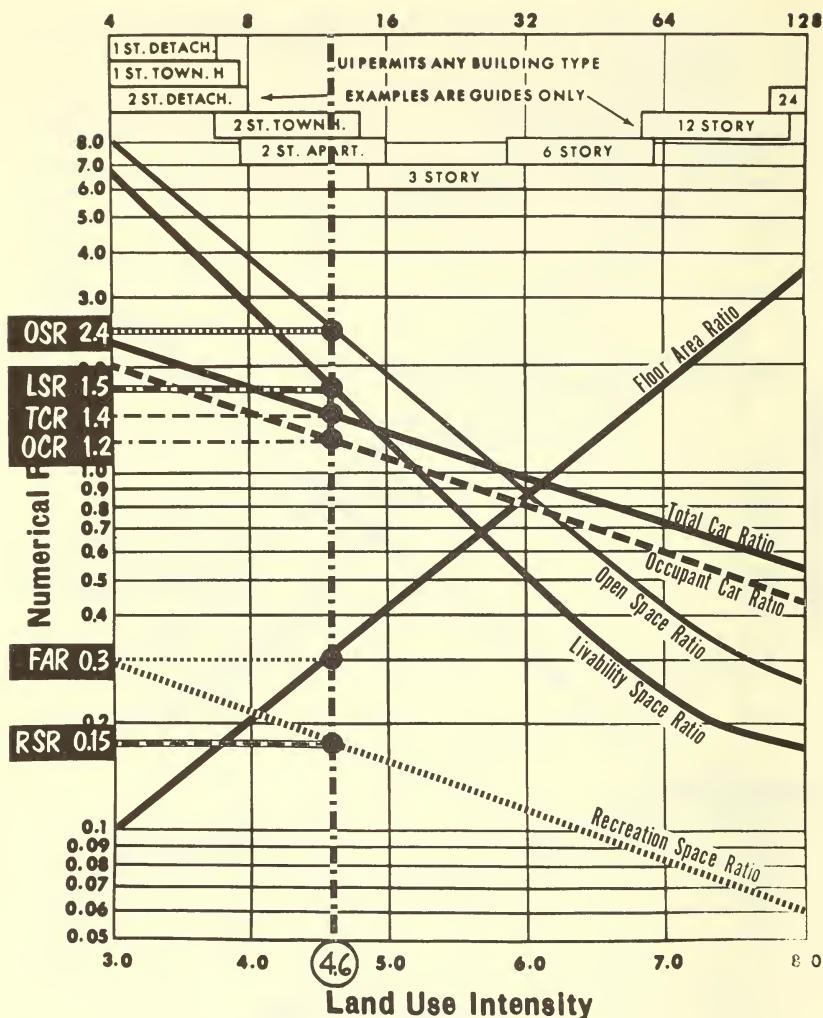


Chart 6

space. The data in the LUI system have been developed from actual projects selected for good design.

Let's look at the whole range of density — from one to 128 dwelling units per gross acre represented by the top of Chart 3. This is a measurement scale of density. We take one acre of land here and show various densities on the same acre. Eight town houses to the acre represents the floor area on the acre of land as shown under 8 in Chart 3.

You can double that and put the floor area on the acre shown under 16 in Chart 3. Or you could double that and come up with that shown under 32 in Chart 3. When you do that, you are affecting the amount



of open space for the amount of people. You are loading the land up with people. The important thing is not so much that you are loading it up but how much open space there is for the people. And is there enough parking area?

When this is analyzed on the basis of actual projects, you come up with the kind of pattern for the physical components of developments shown in Chart 4. Down in the suburban area, two to the acre, or four to the acre, there is a tremendous amount of green space in relation to floor area.

As you move the floor area ratio up, you have so much floor area there is very little land left. But you can still get large livability area, even on the North Side of Chicago or in Manhattan, by hanging balconies and improving roof areas for people's use.

We have here a system designed to reflect what is practical at various densities or land-use intensities. This information becomes very important in the process of design. In the land-use intensity system, the simple scale of one-to-eight reflects all the relationships considered relevant to livability and economics. The technician uses a transcription of that data on a graph. That same information looks like Chart 5.

When the density is properly decided for a specific location — say at 12 to the acre — the technician draws a line on this graph and comes up with workable relationships of land, floor area, open space, livability space and recreation space. (See Chart 6.) Using this as an information system, he comes up in advance of design with the conclusions on what is a suitable project composition at this specific location. If you will, he has a recipe for an urban development in which the various physical components are appropriate at that location in the community at that time.

Now, let me touch briefly on the use of this new measurement system.

We have noted what the basic physical components are: floor, garage, and car areas; recreation space; livability space. I would like to point out that they are a common denominator with many other physical aspects of urban development. For example, they are key indicators of population density, traffic generation, utility load, and storm water run-off coefficients, and other things. A metropolitan or locality map could show existing and proposed intensities of land use by LUI contour lines. Such a map could be a key communicator and a common denominator in the general plans for the physical development of an urban area, and in the land-use regulations.

One of the features involved here is a capability for universality in the terminology, definitions, and measurement methods in land-use planning and regulations. The present system is directed primarily at residential development. But it could be expanded to cover commercial and industrial development.

The FHA uses LUI in its operation in mortgage insurance on specific sites for multi-family projects, and in planned-unit developments. The FHA reaches a conclusion on appropriate density and converts that to a land-use intensity number. This measurement, by

indicating the physical composition, then tells the builder in broad general terms what kind of development is acceptable to the FHA at that location. It leaves to the project sponsor and his designer the option to design the project in whatever way is most suitable. The building location is not fixed. The height is not fixed. These and other design decisions are left to the designer.

This LUI system was developed for FHA use in residential mortgage insurance. Very quickly it was picked up by others.

The City of Indianapolis and Marion County adopted LUI for multiple-dwelling districts when it first came out, and shortly afterwards adopted it for all residential districts. They report the administration has gone smoothly due to a thorough educational process developed among the staff, the builders and the developers.

The Department of Defense has adopted the LUI concept for all new family housing in the military services.

Planning Consultant Frederick H. Bair, Jr. of Auburndale, Florida, an early advocate of LUI in ASPO's *Zoning Digest*<sup>1</sup> and elsewhere, has probed deeply into the potentials of LUI in local regulations. In recent issues of *Urban Land*<sup>2</sup> he describes his application of LUI in zoning in Hawaii and proposes that a coordinated regulatory system based on LUI replace the present chaos in local regulations.

Fred Bair's application of LUI might be coupled with a challenging approach to zoning simplification recently suggested by David Craig of Pittsburgh. Somewhat along the lines of Zisman's comments, Craig suggests zoning "classification based primarily on the very present and real fact of the present stage of development at the location itself," rather than on changeable use classifications for desired or future development.

By using this approach in zoning and land-use subdivision regulations, our local governments could be rewarded by a dividend of a half million acres of new urban open spaces in the next 30 years. This could be achieved simply by keeping four or five percent of each development in open space. This could be done without any expense to the developer, the local community or the public, simply by distributing the same number of dwellings on the land in a way that leaves open spaces. This is the cluster technique. We very much need to encourage it in our residential development operations by effective land-use regulations.

Let me finish by suggesting several steps which appear to be needed next in this land-use intensity approach to a better measurement method in zoning, planning, and development.

First, we need to continue to distribute the present information on the LUI system.

Second, we need to pull all this LUI information together in a consolidated, easily understood, well-illustrated bulletin, such as the FHA's PUD Bulletin No. 6 of a few years ago.

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<sup>1</sup> Publication of American Society of Planning Officials, 1313 East 60th Street, Chicago, Illinois.

<sup>2</sup> Publication of Urban Land Institute, April 1967.

Third, there is a need to expand the LUI technique into industrial and commercial land use.

And fourth, it should be explored and tested further in local regulations.

I suggest that the National Commission on Urban Problems consider lending its support directly or indirectly to efforts made by FHA and others in completing these LUI steps.

I will be delighted to answer any questions.

MR. VANDERGRIFF: Thank you for these thought-provoking comments. We will have questions in just a few minutes.

If Mr. Nichols, our remaining witness, will allow me just a moment, another member of the Commission has just joined us. I wish to introduce the audience to Mr. David Baker, who is Chairman of the Board of Supervisors of Orange County, California. He is also president of the Southern California Association of Governments, which is an association to combat some of their special difficulties of challenging growth.

We do have a most interesting witness — Mr. H. Louis Nichols.<sup>1</sup> I feel sure that Mr. Nichols is one of the keener students of zoning among all the attorneys within my acquaintance. He has probably participated in more zoning cases as a representative of clients than any other attorney in this section of the country. For that reason, we know that he will have comments that will be of special interest to the Commission. Mr. Nichols, it's a pleasure to have you with us.

#### STATEMENT BY H. LOUIS NICHOLS

MR. NICHOLS: Mr. Chairman, ladies and gentlemen: I am happy to be here and have the opportunity to visit with you. I am not sure I fit into the ideas that have already been pronounced here. I am neither a planner nor an architect nor social worker, and am not particularly interested in those problems, to be frank with you.

I am a lawyer. I serve as City Attorney and my job as lawyer is to help a city do what it desires to do in a legal manner, if possible. And if not possible to do it in a legal manner, to try to change the law so as to make what they want to do legal.

I know this is a commission on urban problems. I am not even sure I know what your problems are, gentlemen. What may be your problems, or the problem of one man, are not necessarily a problem to another. As a result, I don't start off with answers to your problems until I find out what your problems are.

For instance, this morning, apparently, the gentleman who spoke has a great problem insofar as billboard signs are concerned. Maybe Senator Douglas objects to neon signs. I don't care a bit about those. I don't care how many signs you have. My job, at least part of my

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<sup>1</sup> Former city attorney for the City of Dallas; member of firm specializing in municipal law, serving as city attorney for 14 cities and towns in Dallas County. Former president of Junior and Senior Bar Associations of Dallas County.



job, is and has been to advise cities. I am in private practice, too, and I have tried to leave myself open where I can be employed on either side of the controversy without having prejudged it too early.

But my basic job as City Attorney is to help a city do what it wants to do. If the planners decide, and the City Council decides, something should be done, or they decide what sort of city they want, then I try to help them write an ordinance that will carry out their objectives and help to fight for it if we get into court. And we have done both for probably 15 years.

A zoning ordinance is a law and it's a penal law which restricts the use of property.

You hear people discuss what zoning gave them, and they want to get zoning in order to have a right to do something. A zoning ordinance never gave anybody anything. It merely takes away from the property owners the right to use their property for certain purposes, for the benefit of the general public. A zoning ordinance is the exercise of police power of a city, state, or governmental agency, and that police power is exercised for the protection of public health, safety, and welfare.

## **Fit Problems for Zoning Regulations**

The regulations contained in a zoning ordinance should be only those regulations that are needed to protect or promote the general welfare of the public. It's difficult at times to know what those regulations should be — what problems should be handled by zoning regulations.

I have been asked to speak primarily on zoning ordinances and discuss problems that may be handled by zoning ordinances.

Some of the problems I know concern you gentlemen are not problems that were either created by, or can be handled by, zoning laws. The elimination of slum conditions in big cities, basically, is a problem that was created before you ever had any zoning. It has been perpetuated by economic conditions, and I think it would be very difficult, if not impossible in many instances, to change or control by the use of a zoning ordinance.

The older areas of cities generally were built before zoning ordinances were adopted. They were permitted to continue as nonconforming uses, and a change in a zoning ordinance may or may not help eliminate these conditions. It would do so only if a present zoning ordinance prohibits use being made of property, and if a change in the zoning ordinance would permit the use to be made of property that would eliminate the condition.

There are many kinds of zoning ordinances. For instance, we represent 14 cities in Dallas County. They vary in size from 400 to 50,000 in population. They all have zoning ordinances. The zoning ordinances are different in each instance. The zoning ordinances are designed normally to meet local problems. You decide what type of city you are going to have, and then you try to design a zoning ordinance that will carry out those plans.



There are in Dallas County certain cities that are basically residential cities. In addition to single-family residences, they have in some instances a few apartments and small retail business establishments. That type of city can be maintained and perpetuated so long as the city governing body has the courage to resist efforts to change the zoning and permit other types of uses to come in. It's no light matter when you suggest it takes courage to resist those changes. But it does. And it can work.

There are communities in Dallas — separate municipalities — where many houses are 40, 50 and 60 years old. Yet there is no possibility of that city being changed so as to have apartments or business. As a result, a 40-year-old house may now be worth twice or three times as much as it was 20 years ago, simply because the people know you can't get the zoning changed, and they will maintain their residential property; they will spend money to keep it in good repair. You don't have the situation where the houses are rundown and where you have substandard houses.

But it will not work, in my opinion, in a large, growing city that has tremendous economic problems with regard to providing business areas. It is difficult, in my opinion, to know whether or not there is any solution, insofar as zoning is concerned, that will solve the problem of the older parts of the city. But if you decide how an area may be used, the zoning ordinance may be changed to permit that use to be made of it.

Frequently you will find in older areas that, in my opinion, the wrong zoning classification has been placed upon property. It's important, I think, in trying to rehabilitate older areas, to determine the most desirable and best use that can be made of the area, and give it a zoning classification to encourage that change. This can be done in one of two ways.

One is to give a zoning classification so that if the zoning is changed, it will enhance the land value sufficiently to cause new development to come in and rebuild the area. For example, take an old residential area and change it to either business or apartment zoning that will get rid of the old substandard buildings.

Of course, that may create a problem which is not directly related to zoning but must be considered; that is, people put out of those older areas must be provided for elsewhere.

The other suggestion with regard to the older areas is to put a realistic zoning on the area. I know of areas in Dallas near the downtown area that, with the size of the city of Dallas, should be developing into high-density residential areas. They are close to downtown, where you can use public transportation and eliminate the necessity of driving cars downtown. But the areas have been given a business zoning classification which permits both apartments and business uses. As a result, you have neither. People do not come in and build new apartments in these areas because they don't know what undesirable business may be located next door. They do not go in and build a business in the area because the street pattern and other facilities

make it impossible to compete with the industrial areas further out of town.

I do think some consideration might be given by you gentlemen to adopting a restrictive type of zoning classification, or at least recommending that. There are two types of zoning, generally: inclusive and restrictive. Inclusive zoning permits in a commercial area, single-family residences, or apartments as well as commercial business or general retail business.

In a commercial industrial area, you might have all of those uses, but you might give some thought to permitting commercial uses solely in a commercial area, and have no residential or apartment use. People who rebuild then know that anyone else who rebuilds in that area will be putting the same type use next to their property.

One city I serve has that type of zoning. In single-family districts, you can build nothing but that. And in a duplex district, you can build only duplex buildings, and in apartment districts you can build only apartments. In retail or commercial, you can build only for commercial or retail business. You do not have any types of mixed uses, contrary to the suggestion that mixed use is ideal.

In the older area, if you establish a need and give a zoning classification that will stimulate the use of that property, it might help to get rid of older areas which, as I understand, may be one of the problems that you are working with.

I look at a zoning ordinance as a tool to help the planners and help the city government either eliminate existing problems or prevent problems coming into existence in the future.

I don't know what your problems may be. But in a number of instances in cities that we have represented, we have experimented in zoning by adopting zoning ordinances that will do what the city council wants to do without any absolute assurance that a court will sustain it. I don't think anybody can predict with any degree of accuracy what a court will do with regard to the validity of zoning ordinances.

For instance, in one city, 15 years ago, in a city of 1,800 people, a freeway was built. The city was going to expand, and they decided it would be better to have masonry homes, and no frame dwellings would be built in the city. At that time there was a case in Texas that held that a zoning ordinance cannot be adopted that would prohibit the building of frame dwellings, for purely an esthetic consideration.

The council wanted to have an ordinance that only permitted brick dwellings. And they wanted to know if I could write one. I told them I could write anything using the English language.

They said, "Well, what is the effect if the ordinance is held to be void?"

I said, "It is the same as if we didn't have an ordinance."

They said, "Well, we can be no worse off," and I agreed they would not be any worse off.

So, 15 years ago, we wrote an ordinance that provided for brick homes, and we have refined it from time to time and added more restrictions. At that time, there was doubt in my mind as to its legality;

so I merely approved it as to form and not as to legality. And the city now has about forty thousand people and it's one of the finest suburban cities in Dallas County. There has been no effort to challenge the legality or validity of the ordinance. And I believe if we had to go to court, I could sustain the validity of it because the law has changed since that time.

So, if you can accomplish your objectives, don't be afraid of a zoning ordinance simply because it hasn't been written before.

As I say, I am not much in favor of regulating signs. But I can write an ordinance in Texas, at least, that will be legal and do what people want who don't like signs; that is, just permit them or restrict them. We have done that in cities. So if you don't like signs, or you don't like this, you have to write your ordinance to carry out your objectives and meet your problem.

So now, as I said, I don't know what your problem is and I don't know what a lot of problems are that people complain about. But if I can be of any assistance to you this afternoon in discussing your problems and making suggestions, I am available to do so.

MR. VANDERGRIFF: Spoken like a true lawyer. Thank you so much, Mr. Nichols. We have appreciated your comments and I feel sure there will be some questions directed to you. We will now ask members of the Commission if they wish to question these fine witnesses, starting with Mr. Ravitch.

I must say our Texas pride shows just a little bit as far as Texas is concerned. Mr. Ravitch isn't a Texan, but he married a Houston girl and this gives him some good credentials in this area. As a matter of fact, Mr. Baker married a Houston girl, too.

## QUESTIONS BY COMMISSION MEMBERS

MR. RAVITCH: *I appreciate your mentioning it. I am very proud of the fact.*

*I would like to direct my question to Mr. Hanke, please. I wonder if we could deal with the question of open space for a moment — not in the suburban area or in the expanding metropolitan area, to which most of your comments were aimed, but to the central city, where we have an obviously great need for the maintenance of open areas for recreational purposes, for light and air.*

*Most of the cities have tried to make sure that their zoning ordinances contained adequate protection for this. We have, however, a contrary trend, and that is a public antipathy to the sterile-looking highrise building surrounded by a green grass area with a chain-link fence around it which nobody can use, a creation of a rather sterile, public center. Well, we have the economic fact that it is more expensive to build highrise apartments than lowrise apartments. So, therefore, we have two trends. One, the maintenance of open space and, two, the desire to build lowrise units, the economics forcing you to do this, also.*



*The mortgage limits under most of the FHA programs are not, regrettably, useful for highrise builders in many of our metropolitan centers.*

*I am curious — if you forgive the long statement preceding the question — I am curious as to how zoning requisites can both preserve the open space requirements and yet be sufficiently flexible so that it's economically feasible to produce the kind of housing that the public wants and that many people feel is socially far more important, attractive, and advantageous than these highrise towers.*

MR. HANKE: Let's assume that a given site at a definite location has by some process been determined to be a site of a certain cost or, shall we say, value. If we are going to use this site for residential use, we know from that cost and the character of residential development, that you are going to have to put a given number of units on it to come up with housing at a given price. Whatever that number may be does not matter at the moment.

You ask the question: How are you going to get open space?

You get it by setting up your zoning regulations to require that for every square foot of floor area built on the site, no matter how many, a certain amount of open space must be provided somewhere on the site or adjacent to it; that is, on the land used by that property.

If the game is set up this way, this automatically provides open space in an amount related to total floor area or number of people.

The only trick is: what amount? This is where the land-use intensity system comes in. It enables a technician to make a judgment and come out with some numbers that represent practical amounts at various intensities based on actual projects.

MR. RAVITCH: *Are you suggesting that a zoning ordinance, as it deals with this problem, should refer to a specific amount of open area per dwelling unit?*

MR. HANKE: No. A dwelling unit might be 500 square feet or 2,500 square feet. I suggest that the more realistic approach is on the basis of the number of people. But this is hard to measure on a set of plans. The closest you can get to this in practical operations is floor area. So we use open space in relation to floor area, or open space ratio.

## **Should Zoning Define Kind of Open Space?**

MR. RAVITCH: *What has been the nature of this open space? Do you believe the zoning ordinance should spell out in any degree the type of open space it should be? I don't mean whether it's planted, landscaped, or what, but whether it should be a minimum square foot area. Does it matter, in other words, how the open space is broken up? I am trying to deal with the question of greater land coverage required by the economics of building, and the social desirability of not building a tall tower. I don't know as I have articulated the question well.*

MR. HANKE: Yes. I think there are three questions on open space. One, how much open space is there as a whole in relation to the num-



ber of people using it and what is the ratio of open space to people or floor area?

Second, how much open space is there for people after you get through taking care of the cars; what is the ratio of livability space to floor area?

Third, how much of it is for people for common use as distinct from that parceled out for individual yards or balconies; what is the ratio of recreation space to floor area? You have these three types of uses: total open space, and how much for people, and how much for people in groups as distinguished from individual spaces? In the land-use intensity system, we measure each of these in relation to the total floor area.

MR. RAVITCH: *Do you think that a local zoning ordinance, or whatever form of land-use control statute exists, should spell out the details of the kind of open space that has to be created?*

*I agree there are separate questions as to the amount of open space per square foot for the building area.*

MR. HANKE: I think an ordinance should, and I think it can, do this, without tying up the landowner and the designer in terms of saying, "You can build only a certain type of building here." I don't think we have to say to the landowner, "On this site you can only build a single-family detached house," or "only a town house," or "you can only build a two-story detached."

I think we can say to the landowner and his neighbors, "You can build any type building on this site that you wish, provided you don't put more than so many people or so much floor area on each acre. You arrange this amount of building mass on the site in relation to the site and market characteristics and come up with a good design." This leaves freedom to the architect and planner to design.

MR. RAVITCH: *If the ordinance is written in the fashion you just described, does this contain sufficient flexibility for a situation you may have on a piece of land being improved that is directly across the street from a park, or across the street from a body of water? Where is the flexibility which presumably one could justify socially in an ordinance of the kind you describe?*

MR. HANKE: This is a matter of how the different areas are defined in the ordinance. In most zoning ordinances today, you talk about site area within property lines. Actually, a building on a lot enjoys not only that land area but also its share of the street area, the space to the middle of the street.

A more realistic approach to zoning regulations is to consider all the land that really is used by the given private property, call it gross land area. Now, when this measurement is used, you are automatically treating all of the properties on the same basis; that is, all the land involved in the given use, instead of taking only the privately owned parcel.

If the street happens to be a private street, it is of no greater value to the adjoining building than if it's a public street. Yet, the typical zoning treats it differently. The measurement methods are wrong.

You can't rely on density measurements and other measurements relating to net site area.

MR. JOHNSON: *Mr. Hanke, a great many things in your discussion very much intrigued me and I would like to know a lot more about them. There is one thing that concerns me. I agree with Mr. Ravitch that livability space is so completely bound up in the design of the specific project that I'd say it's very difficult to relate the numbers to a satisfactory solution. I think most of us go along with the concept of planned open spaces, and so forth. But you do have a problem when you begin to establish a value as to how much should be privately used and how much should be communally used or cooperatively used.*

*Take the case of a typical Japanese house, which makes use of a small outside space or little backyard on the east side of New York. These are all private spaces, and somehow people seem to go for this kind of thing a little bit more readily than they do for the public, shared-space concept.*

*As a student many years ago, I went through Radburn. I thought it was a terrific thing. But the concept hasn't been used very much, although the people who live there love it and won't move out. The values have held very well but, somehow, the developers haven't taken the risk necessary to carry forth this idea. In our township we can't even encourage developers to do it even if we give them conceptions on intensity on the over-all site. They are afraid people won't go for it. They would rather have a larger lot than a smaller lot.*

*Would you comment on my observations, please?*

## Why No Radburn Follow-up

MR. HANKE: Surely. Several years ago, when I started on a special study of home associations and cluster developments, I asked the same questions of Charles Ascher, who drew up the covenants for Radburn.

His answer I think was a good one. I will give it to you and see if you agree. His answer was:

*"Why should the builders build the Radburn way? They are offering another product which the market has accepted and which is profitable to them. Why should they get off a winning horse? The market doesn't demand it. The game is so set up that if they get off the winning horse onto the Radburn horse they run a risk of taking a loss."*

As I mentioned in my testimony earlier, our local planning regulations are so set up in most places in the country that they put the builder on a winning horse for lot-by-lot development. We could have very little lot-by-lot development if our local authorities chose to set the game up another way. What I am suggesting is that the Commission consider ways in which to get the game set up so as to get the kind of cluster development that is needed.

MR. JOHNSON: *I would like to make one further point on this — not being pragmatic about it, but I am often caught up in a position half-way between practice and theory. Are we the only ones concerned*

## Land-Use Intensity Approach Can Sell

*about this? If people are going to buy housing the other way, the typical way — and prefer it — how can we prove that we are justified in trying to promulgate this concept?*

MR. HANKE: You are justified, and anybody going to Radburn and talking to those people know it's a successful thing. And this is true of many hundreds of developments of a similar nature across the country.

The question of market attitude was recently analyzed in some studies done by Carl Norcross and published by the Urban Land Institute in a technical bulletin entitled, "The Open Space Community in the Marketplace." He found very good market acceptance.

There is no question in my mind that this is the way land should be developed. The only question is how to set the game up to get this development. It is a matter of local regulations.

The building industry is very enthusiastic about cluster subdivisions and planned unit development. There are a good many developments being done. But looking at them in relation to the vast amount of other housing that is being created, they are a drop in the bucket. It's a shame it's this way. I think we ought to be smart enough to change the system around to use land-use intensity to reward the builder, give him a little more density in order to pay him to hire a lawyer to draw up protective covenants for the homes association, to improve the common property and to coach the homes association through its early stages of development.

These are extras the developer has to do. We should set it up so the developer goes through it as easily as he goes through the procedure for a lot-by-lot development.

Today, a developer goes through a lot-by-lot subdivision like a snap. Time is money to the developer. If you want him to do cluster subdivisions and open space developments, make that easier and faster to do and he will be happy to do it.

MR. JOHNSON: *Thank you very much.*

Mr. Nichols, one of the problems I have seen is the fact that as long as a community has the prerogative to zone the way they want it — and most communities have that prerogative — it seems nobody wants poor people. They will leave them to the core areas of the city.

*There is no answer to this that I can think of right off the bat. But this is a problem.*

MR. NICHOLS: I don't think your zoning ordinance can solve it. The building codes, electrical codes, and other regulations, if properly enforced, will cause existing dwellings to be maintained in a habitable condition. The poor people will of necessity have to live in those areas without placing the burden on someone to go in and demolish those structures and rebuild.

The removal of people and rebuilding of an area doesn't serve the purpose of those people. It is necessary to displace those people, and they never get back.



But I don't think zoning is your answer. I don't know which problems you have that relate to zoning, but I think they relate to other things other than zoning laws.

MR. JOHNSON: *I want to comment that some cities have small core areas. There is a tendency in the outlying areas to zone for garden apartments. On anything less than an acre they will designate for the research and development type firms that will bring them in more tax money. But there will be problems next door.*

VOICE FROM AUDIENCE: We have some of those communities in Dallas County. I lived in one of them.

MR. WOODBURY: *Sam, as you know, I am in complete sympathy with your plea on open spaces, not only because of the fact you mentioned — the uncertainties of the many areas — but because one of the things that changed the land-use pattern so rapidly has been the wider use of leisure time.*

*I think we may be moving into that kind of society in which leisure will be greatly increased. This was preliminary to asking: Do you feel that in capital planning or programming there ought to be a general principle — not an inflexible one, but general guide — that open spaces ought to be required as far in advance of need as possible for reasons of economy? The longer you wait, the more expensive it's going to be to get. If that is so, does present Federal aid on acquisition of open space, in your opinion, provide adequate incentive and aid to localities for open space acquisition well in advance?*

MR. ZISMAN: Let me answer that in two or three parts.

MR. WOODBURY: *Yes.*

MR. ZISMAN: The very fact of the open space program — open space acquisition development under HUD — is, I think, indication of the recognition of this trend of requiring open space, whether deep in or far out. I think at the present scale it is carried on, it is far too inadequate. It ought to be twenty-fold or fifty-fold more.

In connection with this, not only with regard to the point of acquisition of space for control of future development, there is also the question of the control of the kind of development implied in this kind of acquisition.

What is happening through a great deal of the country — not speaking of the local situation — is that certain areas which ought not to be built upon because of market or other conditions, simply create burdens for the communities as they grow and develop.

I am thinking of the specific case in my own city of San Antonio, where some years ago a developer was permitted to build over a creek bed. Now, we had seven years of drought, and nobody ever thought the rains would come again. But the rains came and the city was set back some four million dollars.

This is a very typical kind of thing. It is not unique.

I would like to suggest in reverse of that, there is an important case history — maybe a significant one, especially to those of you who know San Antonio. In the twenties it was proposed by the then city government that the San Antonio River be covered over. It was said this



would improve the traffic conditions, the circulation would be made easier, more parking space would result, et cetera, and more taxable land for the community would be provided.

There was a fight on this, and because of the fight of a very determined group, the river was left open. The usual arguments were used — muddy ditches, and that kind of thing. This is what I call the first phase of the San Antonio River.

It is true the city did not have the money to improve the river at that time. But in late 1930's it did have the means to improve the river, and nobody can imagine San Antonio without the San Antonio River going through the middle of it. It is one of the city's main assets.

Now, the first thing was to keep it. The second thing was to improve it. And the third is the improvements going on alongside the river. Probably the most valuable land in San Antonio is the land down alongside the river. Everybody is trying to get a piece of it.

It was my contention through some of these fights that this would happen and it has happened.

I would have liked to have the normal, simple law, keeping the open space as open space, and so forth, some kind of measurement of the kind Byron has suggested today, although in the long run I think you may make mistakes in intensity if you keep your open space pattern. I suppose the only difference I would see would be that instead of starting with the floor area, I would start with a determination of how much open space you need, and build to that rather than the other way.

San Antonio River provides compensatory open space. You can build more intensively along that river and still provide open space even for the building.

Also, I underscore again the question of trying to meet the problem of land use and development in terms of lot-by-lot jurisdiction. You have to do it by area. You have to learn that.

I think what is important about Mr. Hanke's presentation is that it gives an opportunity to do something about what is a very real problem in this country: how to tie down the intimate small-scale problem, let's say, of the individual living place with the large regional problem.

We have to develop the open space system, and in order to do this, it seems to me we have to apply not only the measurement technique but also the questions of public acquisition of land on a much larger scale than we have done up to now. If we don't do this, we are going to be perpetuating the kinds of community development we have now.

It is often forgotten that 30 percent of the New York City area is open space. Even though it's quite a piece across Manhattan Island, with the existence of that open space of water, you can build much more intensively on Manhattan Island. You have Central Park, and you build up that way. I can go on for open space from now on.

## Planned-Unit Development

MR. FEINBERG: *Mr. Hanke, would you mind defining, briefly, succinctly, but clearly and decisively the PUD plan, that latest legislation*

*which we recently adopted in New Jersey, inspired by the LUI? I want everyone to understand exactly what we are driving at — not just open spaces. It has a more far reaching effect than just creating open spaces.*

MR. HANKE: The objective of planned-unit development is simply this: For a given area of land to be developed, first decide on a certain number of families or total floor area, and then leave to the designers, the market, the developer, and the local reviewing authorities the design decisions, as to the best way to develop that land to accommodate the proposed use.

For example, take single-family detached houses on 100 acres of land, 40 houses, say. Instead of chopping it all up into streets and lots, it is generally desirable to leave a five-acre open space. The planned-unit development approach recognizes this and sets up the regulations so that this is what happens.

MR. FEINBERG: *This legislation, promulgated by LUI and HUD, has been adopted as a law in the state of New Jersey. It confers upon the municipality certain powers carrying out the zoning approach on the idea of PUD, is that right?*

MR. HANKE: It enables the municipality to set up regulations to encourage this kind of development. It does it in two ways.

Number one, it indicates that a lot of the nitty-gritty type of regulations — density, height, and setbacks, commonly used in zoning — do not need to be applied. But a meaningful measurement does need to apply. It uses the land-use intensity system.

And second, protective devices, particularly administrative procedures, in considering a specific development. Everybody's interests are heard and protected through an appropriate legal procedure and planning analysis on a public, open basis.

MR. FEINBERG: *And it's good business to carry out the very theories discussed by Mr. Zisman today?*

MR. HANKE: That is true..

MR. FEINBERG: *Mr. Nichols, I appreciate the things you have told us and, as a brother lawyer, I understand exactly what you are talking about. I also understand your expertise, your knowledge, your vast amount of experience, and your being the author of many laws in municipalities over many years. But truly I cannot believe you are devoid of any sentiment. So, therefore, I am going to ask you to assume the role of a sentimentalist and give us the benefit of your thinking and your feeling on the subject of good zoning.*

MR. NICHOLS: I don't think you can get along without it and have a good wholesome city. I think if it is properly applied it can correct some conditions. The zoning law has changed considerably during the last 40 years to meet changing conditions. It's inconceivable to me that you can ever — with Houston as one exception — that you can have a growing, well-developed city these days without having proper zoning and planning. There are new ideas that are meeting changing conditions and changing desires on the part of people. Planning and zoning can help meet these needs.

The only thing we haven't come up with is the solution that pro-

vides inexpensive houses for people who cannot afford better houses, and that is a problem that I feel zoning can't solve by itself.

If you can come up with an inexpensive house that can be built and people will use, then you can provide for that type of house in a zoning district so that it will be possible to build it in its proper area.

MR. FEINBERG: *The kind of language we find is the trend in all zoning legislation?*

MR. NICHOLS: Yes.

MR. FEINBERG: *It's really meaningful, isn't it?*

MR. NICHOLS: Yes.

MR. FEINBERG: *Do you think that zoning itself can be at least an instrument or added factor in helping solve the problem of low-cost housing?*

MR. NICHOLS: Yes, I do.

MR. FEINBERG: *Just one question, Mr. Hanke. Speaking of the planning on this definite open space, and wondering why Radburn has not been repeated many times over, haven't you found from your experience that one of the reasons this has not come into being more often is because of the resistance of the municipalities against a developer or anyone trying to develop this kind of plan?*

MR. HANKE: I would say the main reason is a fear on the part of the regulating official. If he releases such controls as yards and heights he may be clobbered by the developer and builder and wind up with a mess out on the land. Then he is in trouble with his associate officials and the public.

Because of this, I think it's desirable to come up with some alternative method which the local official and administrative officer can apply — one that is not as restrictive as the measurements we have been talking about, but is meaningful.

And this can be in terms of the equality and physical composition of the development; if you will, in culinary terms, a recipe for a good residential development.

MR. FEINBERG: *I have found from my own experience that the municipalities as a whole, in my area, at least, are beginning to take cognizance of this situation and are showing interest in it.*

MR. VANDERGRIF: Thank you.

Now we will hear from Professor DeGrove.

MR. DEGROVE: At the risk of shocking my fellow Commissioners, I will pass.

MR. VANDERGRIF: We are sorry, because John always has such interesting questions.

Senator Douglas, do you have any questions?

## Opening Space in the Inner City

MR. DOUGLAS: *I ought to follow Professor DeGrove's example, but let me ask —*

*How about the development of lands inside cities and areas already built up? I will try to put it in a series of questions. Is it not true, when*



you take a city as a whole, there is far more space devoted to the streets than need be?

MR. ZISMAN: The answer is yes.

MR. DOUGLAS: *This space is owned by the municipality?*

MR. ZISMAN: Yes.

MR. DOUGLAS: *Is there any way the cities could shrink the amount of space used in streets by closing off certain blocks—the north streets and south streets, or the east and west streets—and send the traffic around a block or group of blocks inside, as you come in from the main thoroughfare of dead-end entrances, creating an open space between the dead-end entrances which could be put into grass and flowers? Is that a wild idea?*

MR. ZISMAN: For awhile there I thought you were going to get Jane Jacobs on our neck. But let me answer that just very briefly. I think one of the real problems we have now is that we accept certain formulas, such as all streets have to be certain kinds and widths, based on automobiles. This is not true. There is a need to articulate different sizes of corridor spaces for different kinds of purposes as we are doing now to differentiate between a local residential street to some extent and the expressway. This can be carried much further.

MR. DOUGLAS: *Wouldn't this create extra space which would be made communal?*

MR. ZISMAN: This is happening, of course, in the small side park. New York is leading the way to a great extent.

MR. DOUGLAS: *The space between a sidewalk and the street—in most cities, that belongs to the municipality?*

MR. ZISMAN: Yes.

MR. DOUGLAS: *Couldn't the space be redeveloped so you would get a much greater area? Then we pass on to how you finance this. Couldn't you finance it by special assessments?*

MR. ZISMAN: This is getting to be difficult.

MR. DOUGLAS: *Isn't that possible?*

MR. ZISMAN: In the general sense of reorganizing the area, in effect, I think you are suggesting the adaption for planned-unit development within the central parts of the city as well as new development.

MR. DOUGLAS: *That's right.*

MR. ZISMAN: I agree with you, there are various ways.

MR. DOUGLAS: *Is it beyond possibility that the people living there might give labor to the breaking up of the pavement in the street and the planting of the sod? Is this impossible to think of, or must everything be done by hired labor?*

MR. ZISMAN: I can't answer that.

MR. VANDERGRIFF: Thank you, Senator.

Mr. Baker, do you have any questions?

MR. BAKER: *Thank you for your kind welcome to Texas. I might say it's everything you said it was, and then some.*

*I would ask Mr. Hanke this question: In your reference to zoning and open space, you stress the use of open space and the land intensity, and refer to planned development and zoning. Also, there has been reference*



to just flat zoning, and so forth. You dwell on the area which appears to be yet undeveloped. From what I have seen this morning, open space here doesn't seem to be a problem. As a matter of fact, eastern California and western Texas are the only two places I know where jackrabbits and rattlesnakes have to pack a lunch and carry a canteen before starting out.

Where you have to have open spaces — we have seen some cities that have reached the saturation point, and this open space would be provided only when you raze existing structures. But in doing so, you displace persons. What would your recommendation be in cases of this kind?

MR. HANKE: The recommendations which I made, as you indicate, are addressed primarily to the raw land development or redevelopment of cleared areas.

The situation in existing built-up areas is entirely different. And I think that the two are sufficiently different that they should be treated in regulations and in planning completely differently, with a different set of zoning districts for each. What is going to happen in those two areas is going to be different, and the procedures for making it happen are quite different.

Just how you handle the built-up areas and cause rehabilitation to occur is very involved. I wouldn't attempt to prescribe for it at this time.

I think there are some things in the techniques that we are using in raw land development which could be spun off and used. Particularly, the home association might be used. In raw land and redevelopment, we have unified ownership at the beginning. This permits putting certain covenants on the land, establishing various relationships, and providing income for an association.

It may be something of that nature that could be done in rehabilitation areas. I understand the Department of Health, Education and Welfare has a technical study approaching this subject. A local government authority might momentarily take title to all lands in a blighted area and apply a declaration of covenants. This pulls people together in an association, giving them a vehicle for operating various activities. The land goes back immediately to all the original owners to keep the ownership the same.

MR. BAKER: *In doing this, are you not asking the council to dictate a way its citizens must live? And do you feel this is the proper function of the city council?*

MR. ZISMAN: Don't we anyway?

MR. BAKER: *I am asking the questions.*

MR. ZISMAN: I am not sure I understand your question.

MR. BAKER: *When you use zoning — restrictive zoning — as you suggest, are you not dictating to the citizens the conditions under which they must live, the conditions of their environment; and if so, do you think this is the proper function of the council or the city?*

MR. ZISMAN: No question but that we are. It is, I believe, our proper function within limits. I am suggesting that the present zoning practices

go much farther than is necessary or desirable, and we could pull back to more fundamental relationships in the process.

MR. BAKER: *Mr. Nichols, you mentioned using zoning as an instrument on the one hand and, on the other hand, you used it as a weapon. We find in the community in which we travel, there is one city, town or township adjacent to another with an entirely different set of zoning laws. Can you suggest how we would go about this when there are so many agencies of the government?*

MR. NICHOLS: My solution would be based on a study to be made by this Commission. Your Commission could suggest ordinances that might be used by these local governments in areas where a model ordinance might meet the particular problem.

MR. BAKER: *You also suggested that you talked to the council and you said, "I will prepare this ordinance in legal form."*

*We have a situation where the attorney said to the city council, "You go ahead and adopt it and I will defend it in court." He did defend it. And the net result is nobody wants to build in that city.*

*Home development has slowed down, industrial development has almost vanished, in fact, and the economic balance has reached a stalemate.*

*With this type of restrictive zoning, don't you think you are hindering the progress and proper development of the community?*

MR. NICHOLS: It depends upon the reasonableness of your governing body in adopting this ordinance, or these ordinances. All zoning ordinances must be reasonable. If they are unreasonable, it will probably have that result. In other words, if the ideas are reasonable, as has been my experience, that is not the result.

MR. BAKER: *Zoning, as you indicated, is simply the enforcement of a master plan. And without the advanced planning or the master plan, zoning becomes haphazard and often indiscriminate and, therefore, it becomes a weapon of government and not an instrument of government.*

*That is all the questions I have.*

MR. VANDERGRIFF: Thank you, Mr. Baker.

And thank you, gentlemen, for your testimony here today. It has been most enlightening and most challenging to us. I know this is the sentiment of the Commission when I say we are grateful to you for sharing your thoughts with us.

Now we would like very much to allow anyone and everyone in our audience to speak to us. We said this morning written statements are welcome. We encourage them. But we have just a few moments here. We understand that Congressman Eckhardt's legislative assistant, Keith Ozmore, is here, and that he would like to make a statement on behalf of Congressman Eckhardt. May we hear from you?

## PUBLIC WITNESS

### Mr. Ozmore: Plea for Wetlands Protection

MR. OZMORE: Thank you, Mr. Chairman and other members of the

Commission. I am Keith Ozmore, Legislative Assistant. Congressman Bob Eckhardt would like to express his sincere regrets that he could not attend today's hearing on urban problems. I bring a copy of a statement by the Congressman expressing his concern about an urban development problem in all of this nation's coastal areas. I would like to read it, because I would like to make a comment or two as I go along.

I would like to point out the Congressman's district on the map. It is the northeast quadrant of Harris County, which you can see on the map. The large gray patch in the northern part is the new Houston Intercontinental Airport, which lies on the western edge of the Eighth District. On the southeast, it generally follows the contour of the Houston Ship Channel, and if you will notice, we have considerable estuaries in our district. I believe there is an interest in urban development and planning which has not been touched upon here today. And that is the wise use of our marshlands. It is an area which is not restricted to Houston and the Gulf Coast, but it is of interest to many areas in the Nation. In fact, you will find that many of our great cities have grown up at or near the mouths of great rivers — and here is where your marshlands and estuaries are located.

At one time not too many years ago, the marshlands of our country were referred to as "wasteland." Nothing could be further from the truth. Our wetlands literally team with life, from the lowest form of amoebic animals to the fur-bearing mammals which have meant millions of dollars to our population. They are the nursery grounds for most of our protein supply from the sea.

Here are some figures:

Approximately 80 percent of the fish which are taken commercially on the continental shelf in the Gulf of Mexico spend part of their life cycle in the estuarine areas of the Gulf. And 75 percent of the commercial fishes taken off Texas use the Galveston-Trinity Bay areas as their nursery grounds. This includes shrimp, our most valuable sea protein source, and menhaden, a very important link in the food chain of marine life.

It has just been in recent years that biologists have been able to discover the importance of keeping our bays, estuaries and marshlands intact. For instance, just four years ago, the Wallisville Salt Water Barrier was proposed to prevent intrusion of salt water into a fresh water supply for the city of Houston. Gentlemen, this dam is destroying almost twenty thousand acres of habitat for shrimp and menhaden. I do not need to tell you what this is going to do to the price the Gulf Coast housewife will have to pay for that delicacy, shrimp.

Now, we know that marinas are needed to provide recreation for the tourist and vacationer. We know that subdivisions are required to provide homes for residents, and the ever-growing population of the Texas Gulf Coast. But, when a developer is permitted to dredge 25 acres of a grassy marshland and fill in another 25 acres of marshland, we have irrevocably lost 50 acres of nursery grounds for marine life. It can never be reclaimed.



In one of the Eighth District's residential areas, approximately \$30 million in homes are being destroyed by subsidence caused by the withdrawal of water from their aquifer under the ground. Perhaps these homes should not have been placed in that particular area. Perhaps that area should have been kept intact as a breeding ground for marine life. Humanity would have gained in two ways: Citizens would not be threatened with loss of their homes, and that area still would be producing shrimp.

So far, Texas has not lost as much of her estuarine nursery grounds as some other states. California has lost much of hers. The San Francisco Bay, once the West Coast's center for commercial fisheries, now has no such industry. The bay is devoid of shell. It is so badly polluted, the oyster industry has been destroyed.

The conservationists have a ray of hope, however. It has just been within the past month that a Memorandum of Understanding has been signed by the Corps of Engineers and the Interior Department which gives Interior a much greater role to play in the issuance of dredging and filling permits in navigable waters. And it is believed that Interior biologists, who are acquainted with these problems and the value of the bays, will have much to say about future despoliation of our bays.

And I would like to enter a comment right here that in the House and in the Senate there is also pending legislation. The House Bill is HR-25, which would set up a major Federal study of the estuarine areas of the Nation and designate certain estuaries to be set aside. But we will have the same problem with this study as with the pollution in Texas. Our estuaries will be gone before there is action.

I would like to urge any metropolitan planning commission to seriously consider this problem when it undertakes to zone any waterfront area for residential or industrial development. Anyone desiring to develop an area in the estuarine zones should be required to acquire a dredging permit from the Corps of Engineers, and consideration should be given to the biological needs of our estuaries and our oceanographic source of proteins, the need for which is ever growing more critical.

Twenty-six of our states have estuarine areas, with a production value of approximately \$130 million per year, Dr. Leslie L. Glasgow, Director of the Louisiana Wildlife and Fisheries Commission, estimates. With that figure in mind, I would urge this National Commission on Urban Problems to seriously consider this problem wherever these vastly productive areas are found. I would urge any planning commission anywhere in these United States to consult with competent biologists, to determine the value of these wetlands in their natural state as compared to their value when they have been converted to asphalt streets.

I would urge any planning commission to determine what effect pollution will have upon any estuary or body of water before a subdivision or an industrial plant is permitted to go up. Today, 58 percent of our Galveston Bay area is off limits to commercial production of



oysters because it is so badly polluted. And last year, our oyster crop's value, as determined at dockside, was \$1.6 million.

With our ever-growing population, the oceans will certainly be the major source of our protein supply within a very short period. And, if we do not protect the nursery grounds of the ocean, where is this protein to come from?

Thank you for the opportunity to present this paper.

MR. DOUGLAS: Thank you. We appreciate these comments, and hope you will convey our gratitude to the Congressman.

MR. OZMORE: Thank you.

MR. DOUGLAS: Now, ladies and gentlemen, we want to thank you for the very fine facilities. You have certainly made our visit most pleasant and most productive.

(Adjournment.)

# Dallas-Fort Worth

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Commission Members Present: CHAIRMAN PAUL H. DOUGLAS, DAVID L. BAKER, JOHN DEGROVE, ALEX FEINBERG, JEH V. JOHNSON, RICHARD W. O'NEILL, RICHARD RAVITCH, TOM J. VANDERGRIFF, COLEMAN WOODBURY

*At Arlington, Texas, in the Dallas-Fort Worth area, the focus in the morning session was on better housing for low-income Americans: through public-private partnerships, through housing code enforcement, and through massive job-training and urban-orientation programs. The afternoon session was devoted to the structure and finance of urban governments. During an informal lunch session, directors of the "Goals for Dallas" program discussed this long-range effort to involve citizens in the definition and solution of urban problems. Commission members inspected an experiment in simple low-cost housing technology, the wholesale rehabilitation of a deteriorated suburb, and the renewal of a shanty-town neighborhood.*

*Campus Theater  
University of Texas at  
Arlington  
Arlington, Texas  
Morning, August 11, 1967*

## LOW-RENT HOUSING, CODE ENFORCEMENT, JOBS

MR. TOM VANDERGRIFF: We wish to make a few preliminary remarks. We certainly want to welcome the Commission to our community. This is a proud moment for me to realize that I am a member of this Commission, and a member with people of such high caliber. It is great to realize the Commission is meeting here in our community. Certainly, Arlington is the smallest of the cities our Commission has visited.

Our Commission has been considering problems for the most part which are confined to the cities of major population centers. It may

seem rather unusual for us to be here in a city of 85,000 population, yet this is the center of the great Dallas and Fort Worth area.

For the benefit of our Commission members, we want them to realize we are approaching 2,000,000 in population, with less square mileage than Houston in Harris County, where we were yesterday. Because we are in the middle of the great Dallas-Fort Worth area, we are hopeful Mayor McKinley of Fort Worth will be present briefly.

I do want to say for the benefit of our local citizenry of the Dallas-Fort Worth community that although my service on the Commission has acquainted me with problems in our urban areas which I was not aware of, it nevertheless has given me an opportunity to become acquainted with the fine people who are studying these problems. The President, it seems to me, showed a great foresight in naming this Commission; its composition includes people of many and varied talents. The people you see here are helping to find solutions. Our Chairman is without doubt one of the greatest of all Americans. He is an inspiration to all of us — tireless, completely dedicated to finding a better urban America.

The caliber of the witnesses who come before us is also high. At this point we rely on them for their information and experience. Certainly, without such fine people taking time to be with us, and giving so much help, we would not be able to arrive at conclusions. We have three witnesses this morning: Mr. Baeza, Mr. Blackmon and Mr. Shepherd.

Our subject this morning is housing. It is altogether fitting and fortunate that a gentleman who is a former president of the National Association of Home Builders — when one says this you realize I need say no more because of Mr. Blackmon's stature in these areas.

Larry Blackmon is from Fort Worth. Of course, he has built in countless cities of Texas and, for that matter, he has been special consultant on housing to a score of countries throughout the world. President Johnson has given him many responsibilities. It is for his special experience in housing that we are delighted to have the privilege of calling upon Mr. Blackmon.

#### STATEMENT BY LARRY BLACKMON

### **Nation without Housing Goals or Priorities**

MR. BLACKMON: I thank you.

Gentlemen, concerning the subject we are going to discuss — housing for low-income families — I would have to say to you as we meet here today that housing alone is not the solution, even though this is my endeavor. We must take into consideration the problems that surround the housing of these people — our low-income families — and we must strive for better housing at the same time we are educating them. We must find ways and means for those who are now of age to be trained in some skillful occupation that will make them useful

citizens and taxpayers, working weekly rather than on welfare. If all of these things are coordinated, then it will make our country a more useful and better place in which to live.

I want to preface my remarks by saying it is more than just housing, because for 15 years I have been personally working, trying to house low-income families. I have found there are many problems besides housing. I say this because recent outbreaks and some of the disturbances in our major metropolitan areas, I believe, demonstrate dissatisfaction with the conditions in which our people are living. But there is more to it than that, and as we sit here today and talk, I wonder if it is not time that our Nation takes a new look at itself and maybe the destiny and direction in which we are going, and changes the policies to which we are now dedicated. I mention this because, as I said earlier, the outbreaks in our cities indicate a sad condition, and we have to acknowledge our low-income families. As many of you know, I have said for years that I believe these people should be given more consideration, and I believe our domestic policies should be re-examined. I believe our international policies should be re-examined by Congress and by the Administration. When I say "re-examination" I mean to put more emphasis on doing some things domestically that might need to be done, such as the housing and the training of these people that are less fortunate than ourselves — our low-income people.

How can we spend \$5½ billion a year to send a man to the moon when we can't even get \$10 million spent on rent supplement to help house these people? That's what I'm talking about. There should be some realignment, and emphasis should be placed in these areas.

Can we spend \$25 billion a year to help people in Vietnam to have their freedom over there, and not do something here? I think these are things that need to be seriously considered and studied by the Congress and by the Administration. And if we do need change, our great country should be flexible enough to change and meet the challenges and the problems that we have in housing and in education and in welfare of our cities. I, for one, would encourage the Congress and Administration to do something about it.

While we are considering, I think we should face up to what the need is in this country for housing the people. In 1949 there was legislation that said we should have decent, sanitary housing for every family in the country, and it didn't spell out any goal or any ways specifically. It didn't put out any priority, it did not establish any volume of money that was going into this kind of program. I contend today is the time that we start looking up, and facing what are the needs of this great Nation of ours.

## **One New Unit per Each New Family Formed**

I contend there should be one new unit built for every new family formation created; but that doesn't necessarily mean a new family formation will get the new unit. Maybe someone will buy a new unit, and the new family formation will get the used house. It does mean



that we need this additional unit each year for each new family formation that is created in the country.

It is shocking — but not very well publicized — to realize the replacement needs resulting from loss of housing through our highway programs, through effective code enforcement, through fire and through other causes. Something like 650,000 dwelling units each year need to be replaced.

In the family formation category there will be at least 1,100,000 new households annually up to 1970. You can see by those two items alone there is a tremendous need for housing in the country. I say this because this relates to our low-income people, because right now we are shortchanging the American people.

Last year was a tragic year in the homebuilding industry and in the housing of our people. Because of the short supply of money we built far fewer units than were needed; therefore, you find a shortage of housing in the marketplace today.

If we do not do something further we are going to continue to create shortages that are going to cause the situation of housing of our low-income people to be even more critical than it is now.

I proposed last year, and I propose again, that we start for our low-income families 500,000 new units a year; either rehabilitation, or new, or jointly.

Someone would say this is a terrible amount of housing for this group of people. And on the surface I would say "yes." But, gentlemen, Senator Brooke from Massachusetts was quoted in the paper the other day to the effect that the FHA was authorized to build 40,000 per year and they had only built 40,000 in six years. This is one of our problems — we are not furnishing the housing. When you think about it, I do not believe this goal for America would be too high. If we are ever to say that America is a Nation free of substandard housing or substandard living, I think it is a worthy cause.

If you take 500,000 units a year, my statisticians and research people tell me it will take this Nation 50 years to ever rid itself, on that kind of basis, to be a Nation free of substandard housing conditions. Gentlemen, that's too long. I don't believe that the people who are living in the substandard housing are going to wait. It is not too lofty a goal to start taking hold of.

I am pleased that four distinguished members of the Banking and Currency Committee in the House have proposed exactly that — and that is what I proposed to them last year, because of some of the conditions existing in this country.

When you short a housing supply, as was done last year, you shortchange the Nation. And especially you shortchange the low-income people, because there is going to be inflation in housing when you find there is a shortage. There is going to be increasing cost, there are going to be increasing rental rates; this is already showing up as a result of last year. We have been to some of the savings and loan people in the Dallas area, and they have increased their appraisals up to 10 percent since January because of some of these conditions.

## Labor Need in Housing

Another tragic thing happens when you cut back on housing: you do not have a steady flow of employment, and that is the reason I contend we should have national goals, and we should strive to work toward them.

When you accelerate up and down, a most tragic thing is going to happen to us; we lose the supply of skilled labor to do the job that needs to be done. I have said this many times. Last year we lost many of the skilled mechanics in the housing business. I'm talking about concrete people, plumbers, electricians, painters, carpenters, and so forth. Many of them went into other industries and they are not coming back. I might shock the Commission to tell them I question whether this Nation of ours could produce over 1,500,000 units this year because of lack of skilled mechanics to do the job. I know, because we are having problems in building low-income housing today right here in the Fort Worth-Dallas area — having trouble getting skilled people to do it with. I would like to challenge the unions to work with us to get skilled people, because many of their people are reaching retirement age, and they are not bringing on as many new or young people.

So, we have got a tremendous task, and there is a great opportunity to do something about it.

## Effect of Multiple Codes

A thing that bothers me a great deal in housing is codes. One of your distinguished members of the Commission, Tommy Vandergriff, headed up a group as President of the North Central Texas Council of Governments to try to form a group that would work together and solve some of the code problems. When you are talking about codes, we have got 27 municipalities in Tarrant County, and 28 or something like this in Dallas County. I build in some of those municipalities, and every one of them has a different standard or different code or different ordinance, and this creates lots of problems.

I think about what automobile people would face if they had to design and build little extras to each car going into a different community. The cost would be probably prohibitive and there wouldn't be as many cars being built today as there are. I think we can learn from that, and try to standardize.

I would recommend a national code, with the exceptions based upon climatic conditions that might be needed. In order that we can standardize, and better house, and give our public more for their money — and this is important — I think this would be an important factor. In trying to get a national code it would mean that we would be able to better house more people, or give them a lot more for their money. This, again, would take the cooperation of the labor force of this Nation, working together. It cannot be done by city officials alone. But the trade unions and the laboring force must be willing to work together on this thing to bring it about.

## Cut Processing Time, Find More Financing

There has been a lot of discussion that we do not have people who are willing and able to work in housing for these low-income families. I would like to dispel that attitude or that idea, because I have found builders of this Nation are willing to do the building if we can just find some way to get the processing done and get on to doing the job.

Therefore, I think the Government should find some way to cut the processing time a great deal. It can be done, and I recommend to you that we do it on some kind of square footage basis, with some kind of adjustment for extra-cost items that go in above the normal square footage basis.

Gentlemen, we have found sponsors, or sponsors have come to us indicating they desire American business to try to do something in this low-income housing field.

We have had unions — both the Trades Council in Fort Worth and the Teamsters Union — that have sponsored low-cost housing for people. We have had Catholic and Christian groups to sponsor it from the church standpoint. We have had people like the Baptists and the M. W. St. Joseph Grand Lodge (Masonic), and others. I think there is very definitely an interest in this country, and they are ready and willing to do something about it.

I am leaving here and going to Houston to talk about a rent supplement prospect with a group, and then on to the Rio Grande Valley.

There is interest in this part of the country, there is interest in other parts of the country. What we need is to find a way and a means to finance this housing. I will dwell on that just a second.

On financing, I would recommend to you that it be done on some kind of income basis — some kind of individual income basis. The system we have today is not working, Senator Douglas. To do the job we need to do, I think you need to take certain income-level people and issue bonds to build on the basis that our Government can go into the marketplace and get money on a long-term basis. I am not talking about short-term bonds. I am talking about back sometime ago, when Mr. Truman was President, they had a rather low rate for long-term bonds, and we have since gotten out of kilter. This is a problem that needs to be corrected.

If you do that, together with rent supplement, for these low-income families, you will find a way to house them and encourage them to become homeowners. In every case I think we should try to have homeowners and to give these people hope. The next stratum that you have is the middle-income, and you have whatever the market is, without rent supplements. And the higher-income group would be a free interest rate; let the savings and loan people take care of that.

Every one of these facets affects how we are going to house these low-income people and supply the money.

Because of the gigantic task we have, how we finance it is going to be an important factor.

Gentlemen, we have built as many or more low-income projects



under 221(d)(3)<sup>1</sup> than anyone in the Nation. We have worked hard and long, and it has been frustrating. But it has been rewarding — not profitwise as much as we might like for it to be — but doing a job in which we see these people better housed certainly gives you a good feeling.

We built such housing in El Paso, Texas — 190 apartments — and it was one of the first under the 221(d)(3) program. There was a statement made that there was no market in that area for this type housing. Well, I challenged it, and we went ahead and built. I can tell you that when we got the housing built there were ten times as many applicants as there were one-bedroom apartments. It took us 40 days from the time it was opened until the two-bedroom units were 100 percent occupied. All of it combined has been running pretty close to 100 percent occupancy, if not 100 percent all the time.

Just yesterday I had a letter from Grand Master M. J. Anderson of the M. W. St. Joseph Grand Lodge down in Austin, Texas, where we built a project for the Masonic Lodge. He tells me they have got a waiting list and 100 percent occupancy. Something like 70 percent of the people in the project are whites, 28 percent are colored, and 2 percent are Latin families, and they have got a waiting list. This is the kind of program that I think means a lot to our low-income families, and you can do something about it if you will expand it. The need is there. It is a great problem when it comes to processing things for the FHA because it takes them too long, and they say there is so much risk involved, and the sponsors do not have very much capital. Many of those things have been corrected, and they have put the funds to put it into operation in the mortgage.

So, the need is there, and we in the building industry understand our responsibility to try to house these people — and we stand ready, willing, and able to do it.

I think we are living in an exciting time. It is one of the greatest challenges and opportunities any one man has who wants to really do a job — whether it be the skilled work of union or non-union people, whether it be the builder, or whether it be the financier, or whatever. We have got a job to do in America to house our low-income families. I welcome it, and I look forward to being a part of doing this great job.

Thank you very much.

MR. VANDERGRIFF: Thank you, sir, we appreciate your comments very much. We are grateful that you could take the time to be with us. I might mention that Mr. Blackmon spoke of going to Houston for a conference, and I am mindful that you do have an early plane, Mr. Blackmon. Feel free, please, to depart and we will understand.

We have a distinguished citizen from Fort Worth. I hoped that the Mayor of that great city had joined us, and I see that he has. I wish to acknowledge the presence of the Honorable DeWitt McKinley. We are delighted that he would take time to come and be with us for as long as possible. Mayor, do you wish to stand, so that the Commission

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<sup>1</sup> See page 12.



can know you. We would be delighted if you would like to express a word of greeting to these Commission members who have come from afar to our great area.

MAYOR MCKINLEY: We certainly agree with you, Mr. Vandergriff, and we welcome you all and welcome this opportunity to meet with you.

MR. VANDERGRUFF: Thank you, Mayor.

I want to introduce Mr. E. H. Baeza from the great city of El Paso. His city, on the border of the great country of Mexico, certainly is one of our most rapidly growing municipalities in this State.

Mr. Baeza is President of the Home Builders Association in El Paso, and it speaks eloquently of the regard his Association has for him. Mr. Baeza began as a laborer in housing and progressed to the position of supervision, and finally ceased his association with other companies and formed his own company. This is the kind of story that inspires all of us here in this country. That is the reason for our love for this great country.

I would like to introduce Mr. M. B. Buchanan, the President of the Texas Home Builders. He is from Arlington; he is President of the State Association, he is Mayor Pro Tem of the city. Last, but far from least, he is currently involved in what we call "the Vandergriff redevelopment" — he and my wife are remodeling our old home. Buck, I am proud that you could be with us.

Also, we have with us Mr. Charles Rogers, Executive Director of the El Paso Home Builders Association, who will now join our next witness at the table. Mr. Baeza, we will be delighted to hear from you.

#### STATEMENT BY E. H. BAEZA

MR. BAEZA: Thank you. Mr. Douglas, Mr. Vandergriff, members of the Commission. Before I give you a report on my findings I would like Charles to distribute a copy of my report to you.<sup>1</sup>

### Housing Latin-American Immigrants in El Paso

I will be talking about the City of El Paso, and "South El Paso," which we call our "slum area."

By 1900, El Paso was a town of some 15,000, of whom half were Mexican-Americans living south of Second Avenue. The story of South El Paso has been the same since the beginning. Unsanitary conditions in the "lower part of the city" were discussed by the City Council as early as 1901.

From the *El Paso Herald*, June 17, 1910: "Sanitation of the South Side is very poor, citizens complain and aldermen say citizens give little cooperation."

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<sup>1</sup> Placed in Commission files.

From the *Herald*, July 7, 1910: "City finds that the lower end of town is unsanitary. Dr. Anderson condemns homes. Finds them unfit for the people. Thirty homes found clean; 175 were unsanitary. Fifteen places with a sewer connection condition; 205 without."

These same problems exist today. I will be talking to you about the Latin-Americans. These people that I will be talking about cannot afford to buy homes, and this is the first point that I would like to press to you. I want to thank you for allowing me to appear before you to present my views concerning the housing needs for our "newly arrived" Latin-Americans.

I hope you noted that I said "newly-arrived" Latin-Americans. I do not believe that we can generalize on these people or their problems. We cannot say "they all need good housing" or "they all have bad housing," because it is not true. You cannot say that they are all ignorant and unskilled, and so on, because all are not.

Our problem with the low-income Latin-American is totally different from the problem faced by the larger cities; Detroit or Cleveland, for example. Our Latin-American problem is not as critical as the Negro problem. It will never be as critical if we do something now. We do not have ghettos as such, but we will have unless we move now. For simplicity's sake, let us define the fact that the Latin-Americans that we will be discussing are the ones that have recently arrived in the United States. In other words, they are foreign born. In the area in which we have our most serious problem, South El Paso, approximately 45 percent are foreign born.

Why are these particular ones singled out? Most of them cross the border with little or no money. They possess practically nothing. But what we must keep in mind is the fact that they are a proud people. Their country is right across the river. There are many ties, both traditionally and culturally, which we must keep in mind. They have practically no education, they have a language difficulty, and for the large part they are unskilled. How can we label them the same as other Latin Americans? We cannot.

Their culture is different. They can identify themselves with a heritage and a tradition. Mexico has always had the caste system. Their family name and tree mean very much to them.

Roughly 50 percent of the people in El Paso have Spanish surnames. They live in every census tract, from the best to the poorest.

About 50,000 of El Paso's finest citizens are Latin-Americans and they have worked their way up from South El Paso. We have no integration problems in El Paso.

In other words, gentlemen, we have to educate them, or if you please, Americanize them.

The first and second generation undergo a tremendous psychological experience when they undergo Americanization. When these people enter the United States they are so poor they cannot even afford public housing. So where do they end up? In the worst possible area, South El Paso.

Just what are conditions like in South El Paso? Let me quote a few

statistics: Of all our city dwelling units, 21.8 percent are located in South El Paso. Practically all of these were constructed prior to 1940.

Of the total population of El Paso, 25 percent is concentrated in this small area. Family incomes average about \$2,600 per year, and you note I said "family incomes." Many members of the family usually work. If income were computed on a per capita basis it would be pathetically low.

Of the 5,100 units located in South El Paso the percentage with plumbing ranges from a 2.9 percent low to a high of 58 percent. South El Paso has an average of 4.03 people in 2.1 rooms. Families are paying anywhere from \$16 to \$24 per month for rent.

Of the Latin-Americans living in this area, about 45 percent are foreign born and 95 percent have Spanish surnames. The average number of school years completed is about 4.5. Better than 50 percent of them are under 20 years of age.

All of these figures are compiled from the 1960 U.S. Census. These data are over seven years old; so you can imagine the conditions as they exist today.

How do we cope with this problem? The Federal Government's programs, as they exist today, do not come close to touching these people. FHA's 221(d)(3) program does not apply. Why? Because you have to have a workable program. In other words, with the Federal Government's requirements, it is all or nothing. In El Paso we have nothing.

I cannot understand why we can construct housing for high income people under FHA, but when we attempt to get into another area such as 221(d)(3) with FHA, we are faced with completely different requirements.

In El Paso, the costs of our public and Government housing projects have run \$15 to \$16 a square foot. In some cases the land was not included in computing the cost. Private enterprise in El Paso consistently has proven the fact that it can construct housing at a much lower per foot cost. Whether or not we can get an investor to underwrite a project such as this is doubtful.

## **Step-at-a-Time Housing**

The cost of the program I am advocating is but a drop in the bucket compared with what we are spending on the other side of the world to help people who are no worse off than the group we are discussing.

To begin with, we cannot allow a person to sit in Washington and dictate what is and what is not approved housing. This person simply does not know the conditions, nor is he aware of the implications and factors involved.

This segment of the Latin-American group will have to be taught our ways and traditions.

I think land somewhat centrally located would have to be made available, even if the Government had to buy it. The dwelling units, be they multi-family or attached, would have to be simple in design, as



most of these people are used to living in one or two rooms. Utilities and plumbing are a must.

As you can see, I am attempting to spell out a program that would help these people make the transition. As I said, the first housing they would be placed in would be small and very modest. Then perhaps in several years they would move to a more elaborate and larger dwelling. This second-state housing would still be below what our Washington experts call "basic housing needs." This type housing, though seemingly inadequate, would be so much more than these people are used to, that it would benefit them to a great degree.

The only way we will be able to accomplish this will be to have the Federal Government finance it 100 percent.

The amount of rent these people will pay will be based on a percentage of their income, regardless of their income. You see, there will be little, if any, return on Uncle Sam's dollar. But we will be getting these people out of the miserable, inhumane conditions they are now tolerating.

Whether or not this is feasible I don't know. I think private enterprise, if given the opportunity, can provide the product the fastest and most economical way. Perhaps the Government could purchase the land and subdivide it on a bid basis. Then plans could be drawn up for the housing units and bids asked for them, also. At the time these people come into the United States the most they can afford is rent, if that. What I'm trying to say is that these people will be in no position to purchase a home for years to come.

For every four applicants that try to purchase a home from \$9,000 to \$14,000, three are turned down because they cannot afford the basic shelter. So, if we are attempting to put them in homes they would own, the cost will have to be very low: \$2,000 to \$6,000. And the terms will have to be long-term, and at a relatively modest rate of 1 to 2 percent.

All of my ideas seem highly unworkable and unfeasible. I am not here to tell you what you want to hear, but instead to try to inform you of the problem, and what it will take in starting to do away with it. Gentlemen, this is only a start, believe me. You have no idea of what these people are up against, and how desperately they need our help.

## **Training for City Life**

To complement this housing, training centers will have to be opened. These recently arrived Latin-Americans will report to these centers, whereupon housing would be located for them. At these centers the level of their education would be determined, how fluent they are in English and in what areas they are skilled. After determining this, they will be enrolled in classes in English language, and classes on how to live in the new dwellings. For example, how to use a toilet, as most of them have never even seen one.

These people will have to be educated, literally led by the hand. Education seems to be the key factor in helping them make this transition.



The City of El Paso is not standing idly by as they have done in the past. Plans are being formulated on upgrading and improving the housing. A center, much like the one I have discussed, is off the drawing table; \$1,500,000 has been set aside to finance the project, but even with this we are only scratching the surface. We in El Paso have pinpointed the problem areas; housing, sewerage, water, and sanitation. We know it is a job that we cannot do alone.

Gentlemen, that is about all I have to say.

MR. VANDERGRIFF: Thank you so much, and I assume I speak for all when I tell you how very much we appreciate your testimony. We appreciate the care with which it has been prepared. We compliment both you and Mr. Rogers for the material you have given us, and it should be very helpful. I am sure we will have some questions for you in a few moments.

I want to introduce Mr. Noble Shepherd from Fort Worth. I have the highest regard for this gentleman. It isn't simply because he buys his cars from me, but seriously, here is one of the most dedicated human beings I know, a long-time public servant who has held many positions of responsibility over many years. Mr. Shepherd has recently been assigned to the program which he is going to talk to us about. We look forward to your testimony at this time and to your advice as Neighborhood Improvement Coordinator in Fort Worth.

## STATEMENT BY NOBLE SHEPHERD

MR. SHEPHERD: Thank you, Mayor Vandergriff. Honorable Senator Douglas, gentlemen of the Commission.

What I am going to talk to you about is what we are doing in Fort Worth. This is where my interest lies; this is where my problems are. This is where we have attempted to do something for people who have been neglected to some extent for many, many years in the past.

When I took this job of coordinating neighborhood improvement in Fort Worth I never realized what I was getting into until I really got out and began working with the people.

I have been with the City of Fort Worth almost 32 years. Most of this time I have spent in the Police Department as a police officer, and working with people. I have always enjoyed working with people and doing something that might help them. This is what I have dedicated my life to doing, and the greater the challenge, the better I like it, and believe me, I love this program because it has its challenges.

## Concentrated Code Enforcement

The City of Fort Worth saw fit about a year and a half ago to enter into a contract with the Federal Government to try to abate some of the problems that we have in our low-income areas by taking on the

117 program,<sup>1</sup> or the code enforcement program. In Fort Worth we have three areas with which we are working. We started this program on March 12, 1966, which was about 16 months ago. My job is twofold; I have the responsibility of coordinating and also the responsibility of the overall code enforcement program of the City of Fort Worth.

What I would like most to talk about is our concentrated code program. We went into the three low-income areas and we found about 55 percent of the buildings with code violations. The total number of buildings in all three areas included something over 1,800 homes. Fifty-five percent of the buildings were substandard — minor violations up to major violations — and a few of them beyond repair. We could not do anything with them but tear them down. We started working with the people, and they were very leery of this program. They had us investigated by the FBI and everybody else. When we told them in some cases where they were not able to fix their homes that we would give them a grant — trying to give away Federal money — they would say, “I want the FBI to look into it,” and they would call the FBI.

Being a policeman, I was familiar with the FBI, and when they called me up and talked to me, I explained the program to them and we heard no more about it.

When we first started our survey of the homes to help the people, we didn't use the word “inspection,” because it usually scares people or makes them mad; but we actually did do about the same thing. Now we find people to be more receptive.

Out of these 1,800 homes we had about 138 people who told us, “Get off my property, I don't want to have anything to do with you. I don't want to talk to you or anything.” Then we told them, “Sorry, you think about it and we will be back later to see you.” Without our going back to these 138 people, this number has now diminished to eight people; they are coming to us instead of our going back to them. They found out this program is designed to help them and not to cause hardships, to give them a decent place to live. When you work with these people as we have, and see the expressions on their faces and how they appreciate what is being done for them, it is something they never expected to get in their lives, then all the efforts that are put into the program seem well worthwhile.

This is just a little rundown of what I think of this program.

There is no doubt in my mind at all that if we had not gone into these areas, it would not have been very long until the areas would have become what we call slum areas. They are not slum areas now, although they are often referred to as slum areas. The code enforcement program does not designate them as slum areas; its purpose is to keep them from becoming slum areas. I think every city that can

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<sup>1</sup> Section 117 of the Federal housing law providing grants to cities and counties to assist them in carrying out programs of concentrated code enforcement in deteriorated or deteriorating areas. Programs may include provision and repair of streets and sidewalks, street lighting, tree planting, and similar improvements.

should put into effect a program. It is worth all of the effort and money that you put into it.

One of the greatest problems our city has is where we go into an area to write the homes up, and we run into old, retired persons, or elderly ladies who are living there, and we say to them "You have to spend \$1,000 to make your place safe and sanitary," and they say, "I make \$42 a month total income. You tell me how I am going to do it." We really don't have an answer.

Under this Federal assistance program we can use these techniques; we can make it a decent place to live. These people are so grateful. You have no idea.

## **Find Way to Build Low-Cost Replacement Housing**

In the entire City of Fort Worth we are now tearing down houses at the rate of 1,800 to 2,500 a year that are beyond repair. How many of these homes are being replaced?

Now, in regard to Mr. Blackmon's talk about the replacement of low-cost homes. What is a low-cost home? So many people, I think, lose sight of what a low-cost home is. People who make \$4,000 or \$5,000 a year and have two or three kids in school, to me, are in the low-income bracket nowadays, really in the low-income bracket. We talk to them about buying a new home and they laugh at us.

All of the restrictions that have been put on building, the frills that builders must put into the homes in order to sell them, run the price up, plus high interest rates. People in that income category cannot buy them. Many of these people (and, believe me, I work right with them out in the field — I am out there myself, and I talk to them and I feel them out) would love to have a new home. They have never lived in a new home in their life.

We are tearing down 1,800 to 2,500 homes a year, and they are not being replaced in Fort Worth. They are not being replaced in any other cities that I know of. I belong to the National Association of Housing and Redevelopment Officials. I meet with groups of people from all over the Nation, and I talk to them about their problems and their problems are the same as ours. The homes are not being replaced with new ones. Low-income people cannot afford to buy.

The people in the low-income bracket are not decreasing appreciably, and the homes are not being replaced. What is causing this? A man moves out of a house when it gets so he can't live in it under any circumstances, and it is torn down. Where does he go? Low-income houses for rent in Fort Worth right now are in critical shortage, believe me. If you make enough money you can rent a house. But if you are in the low-income bracket and have a couple of kids in school you are not going to take your kids out of school — and this is something a lot of people lose sight of.

We think that there ought to be homes built in these areas so the displaced low-income people can buy them.



For a builder to build in these areas we are trying to get paving and all streets put in, curbed and guttered, so that we can stop the drainage problems. We make it a real fine area, we require everyone to bring his home up to standard. We have a program to beautify the front yard and clean up the junk, and get rid of the junk automobiles. This makes the area look very nice for the people who live there, and they are beginning to become proud of their area.

There are none of these areas that don't have many, many vacant lots in them. I have talked to builders: "Why don't you go out here and build a house or a number of houses, low income, not brick, not a lot of frills; something that would be considered a low-cost house. Say, \$8.50 to \$10 a square foot instead of \$14 to \$16 a square foot. Put the downpayment where these people can reach it." They say: "We don't make enough money on a house like that. We can't get labor. We can't afford to. We can't hire a carpenter."

Right now we have about twenty some houses ready to rehabilitate in these areas, and we have about 70 or 80 contractors in the City of Fort Worth willing to help us in the areas. They have been very helpful up to now. They can't hire people to work. I was very pleased to hear it stated earlier that they are trying to train more people in this field, because it is getting to be a very critical thing and it is going to get worse.

The builder right now likes to build \$18,000, \$25,000, \$35,000 homes. Now, to some of you people from Yankee Land that's not a very big home, but down here it is a pretty good-sized home. A lot of people up in the North don't realize that we can do so much more with money here than they can. A \$1,500 grant to rehabilitate a house doesn't go far in Chicago or New York, but here we can take \$1,500 and rehabilitate almost any house in these areas and bring them up to minimum standards.

I am talking now about our problem in Fort Worth, and let me get back to it.

What I think someone should do is to work out some way that these homes can be replaced at a greater rate than they are being demolished all over the country — not just in Fort Worth. This is something, gentlemen, we are going to be faced with in the future, and it is going to be much more critical in this field in the future than it is now. We are just beginning to feel it a little bit.

Old homes are like old people — they get older every day. We are trying to educate the people in these areas on how to keep their homes up to standard and keep them up after we get them up.

We are spending a considerable amount of time along this line, and we think we are doing a lot of good, because the people are receptive. Don't let anyone tell you they are not.

A lot of people are fighting these problems in other places. We don't try to fight the problem. We have got a job to do and we roll up our sleeves and go out and go to work. We talk to people and work out the problems. So far, we have had no problems we couldn't solve.

We are very proud of this program, and we are looking for someone



to give us an idea on how to give us more low-income homes for these people to live in.

These are good people. Just because they don't have money doesn't mean they are not good people. Many of the people that migrated to these low-income areas are retired people, living on \$42 to \$78 a month. Believe me, I was amazed at how many there are.

Our estimate on how many grants we would require was so low that we had to triple our request to the Federal Government for grant money when we talked to the people and found out what the true facts were.

Gentlemen, that's all I have to say. Thank you for letting me talk to you.

## QUESTIONS BY COMMISSION MEMBERS

MR. VANDERGRIFF: Mr. Shepherd, thank you very, very much. We appreciate your being with us. We realize that you are dedicated to this program.

I know we will have some questions. At this time we want to turn to the Commission members. We are going to begin with our distinguished Chairman, Senator Douglas.

MR. DOUGLAS: *I will help the time problem by not asking any questions and will make more time for other people of the Commission.*

MR. VANDERGRIFF: All right. If you will, please, David Baker.

## Cost of Too High-Standard Codes

MR. BAKER: *Thank you Mr. Chairman. I am going to direct one question to Mr. Baeza, if I may.*

*You spoke of the need to acquaint these people with the use of their facilities, and this raises a question. What part does the code play in providing low-cost housing of the kind you refer to?*

MR. BAEZA: Well, first, in 1955 and 1954, when I started in the building business for myself, I started building \$7,000 to \$9,000 homes, which I guess is what we call low-cost now. The City of El Paso had not expanded as much as now. We were building right outside the city limits, and we had a county building code that we were following. I thought we were doing really well.

The City of El Paso has one of the strangest codes, I guess, in the Nation. At least we think so. They annexed the area in which we were building, and this will give you a rough estimate as to how the cost of each house increased: In the City of El Paso, the only thing we can use is conduit for electrical work, and where I was paying \$225 to \$250 a home for all of the electrical work, it jumped to \$575. With plumbing we were doing a home for \$425 to \$450; when the city took us in it jumped double.

Most of the code in the City of El Paso is very strange. If we were to have a national code I think it would do wonders for us.

Does that answer most of your question, Mr. Baker?

MR. BAKER: *Well, in parts of the Nation, for example, a basement is required. This, of course, is convenient where we have conditions that make it necessary. And so many outlets per room. This, of course, is a convenience. But in your opinion, is it necessary to have so many outlets or fixtures, Mr. Baeza?*

MR. BAEZA: No, not in low-cost homes, it is not necessary. I don't think any room in the house should have more than two plugs. That should be quite enough for any room in the house.

MR. BAKER: *Do you suggest a separate code, perhaps?*

MR. BAEZA: Not a separate code for low-cost housing. There should be some kind of relaxation in the law and the code, yes, sir.

MR. O'NEILL: *I will agree, first, that we need a great amount of housing for people whose income may be \$1,000, \$2,000, or \$3,000 a year. But when we reach the middle-income level—let's say from \$4,000 to \$8,000 a year—I would like to try out something on you. Larry Blackmon brought out the fact that there wasn't enough mortgage money, and if we got enough it would be more than the national debt.*

*The biggest part of the new loan money that we get today is repayment for mortgages. If qualifications were easier, if a man with "X" income could qualify to pay a mortgage off over a short term—20 or 25 years—and suppose you change the FHA qualifications, which are now too stringent, and make it easier, and take more money and put it in for the mortgage on the short term, then a homebuyer would build up his equity faster. Also there would be more money flowing into repayment. In other words, mortgage funds would be generated because of the repayment of mortgages.*

*People in the \$5,000 to \$8,000 income—would they then be able to qualify for a short-term loan and bigger payments? Mr. Shepherd, maybe you would like to answer that?*

MR. SHEPHERD: One of our problems is the payment—monthly payments. They can't make the higher monthly payments. Some people will buy an automobile and they will pay it out in 12 months, but it would amaze you to learn the number of people that pay on an automobile for 42 months because the monthly payment is smaller. They do not consider the overall cost. What they must do is have a low monthly payment that is low enough so they can make it without jeopardizing their livelihood. Many of these same people pay more for their automobile per month than they do for their housing.

MR. O'NEILL: *Very true.*

MR. SHEPHERD: And the automobile is a wreck in 10 years.

I'm not trying to upset your selling cars, Mr. Vandergriff.

MR. VANDERGRIFF: Thank you.

## Poor People Operate on Weekly Take-Home Pay

MR. SHEPHERD: I truthfully believe that what we need is lower down-payments and lower monthly payments. I don't believe there is any way in the world you can whip that problem until this has been accomplished. I don't think education of the people will help. It's what this man gets in his pocket — his take-home pay every month. This is what he has to pay out.

These people are not concerned about how long they have to pay or how much they can save by a low interest rate. This is my thinking and it is based on my everyday dealings with the people right out in the field.

MR. VANDERGRIFF: I think we are talking about different people altogether.

MR. BAEZA: Some of our people can barely speak English, and they are paying a rental of maybe \$12 a month. It will be many years until they can get a grasp of the language and get a better job.

I agree with Mr. Shepherd on the point that the smaller the amount of money they can put up to get into a home, and the smallest amount they can put out a month, is the only way we can get them in.

We have got public housing in El Paso and still have people who can't get into that.

We have an abundance of one-bedroom apartments because they won't allow children in one-bedroom apartments. All of these people have children.

Mr. Blackmon brought up his new apartment complex, but there are so many that can't begin to pay the rent. This costs even more than public housing, and we have got a tremendous strata of people below that.

MR. DEGROVE: *The subject is housing for low-income families, and we really haven't had any data, except to be told that it is being grossly underproduced, at least in Fort Worth. Do any of you three gentlemen know what it costs the renter in a 221(d)(3) project that you have put up in this area.*

MR. SHEPHERD: I wouldn't necessarily know.

MR. BAEZA: The project runs about \$65.

MR. DEGROVE: *For what?*

MR. BAEZA: A month.

MR. DEGROVE: *For what?*

MR. BAEZA: Two bedrooms.

MR. DEGROVE: *Three bedroom goes to \$75?*

MR. BAEZA: Something like that.

MR. DEGROVE: *Mr. Shepherd, let me direct this to you.*

*What is the status of the public housing program? Is there anything that you can state particularly?*

## Not Enough Public Housing, but . . .

MR. SHEPHERD: We have a number of public housing projects in the City of Fort Worth, and they are occupied. I don't think we have

enough. I think we can use more. But we find families have been hesitant to move into them. Most people don't want to get into a housing project. They want a home of their own, an individual house. These people — most of them — have been used to living by themselves in their own homes. They are not as apartment-oriented as they are in the North, and they live this way all their lives. People down here don't like to move into a home with someone else. They like to move to their own individual homes, even if they have to go outside the city where there are no code requirements to build a home. This is what we find here.

MR. DEGROVE: *If the psychology calls for a single-family dwelling, even for low income, are there any 221(d) houses being built at this time?*

MR. SHEPHERD: Not that I know of.

MR. DEGROVE: *Except for the 221(d)(3), there is virtually no low-cost housing going up for low-income people in this area?*

MR. SHEPHERD: Occasionally one.

MR. DEGROVE: *The situation, I guess, gets worse and not better?*

MR. SHEPHERD: That's right.

MR. DEGROVE: *And you are taking down a certain number of houses now?*

MR. SHEPHERD: That is correct.

MR. DEGROVE: *It is bad now and going to get critical later?*

MR. SHEPHERD: That is correct.

MR. DEGROVE: *Thank you.*

MR. JOHNSON: *I would like to ask Mr. Baeza if he could be more specific on this business of changes in plumbing cost and electrical cost. I would like to know if there is any difference in terms of material quality. I want to know what the fixtures are — whether there are costs here that don't represent actual value. That is to say, does the cost include items that don't really serve any function so far as we are concerned.*

*I would like you also to tell us a bit more how your experiences differ between the cost of constructing public housing and the cost of doing private housing, for similar units. What are some of the reasons for the difference?*

MR. BAEZA: I will answer your questions about the increasing costs in building codes.

I speak for the code of the City of El Paso: For many, many years we have built homes there, and there were thousands of homes built with FHA and VA loans, where we would use Romex for electrical cable. It is approved. You do not downgrade and you do not decrease safety by using it. But the City of El Paso has a different opinion, and in the City of El Paso we also have a problem of using brick. In most of our building in the city we have to use masonry throughout instead of wood. In the section of the country we are in, we are not allowed to use wood in over 25 percent of any building in the city. You can see this increases the cost of our building — of your public housing building and your private housing. It is really a hard question to answer.



## Union Wages Raise Public Housing Costs

Usually, public housing runs a lot more. Maybe I am stepping on somebody's toes, I don't know. The City of El Paso is what we call a "non-union" town, but we don't underpay our help. Still, the cost of public housing increases when you use union labor. And I am not against labor unions — don't misunderstand me. We don't use them in El Paso. Mostly in public housing, you have to use union labor and this has a lot to do with it.

MR. DEGROVE: *I believe that is all the questioning I have.*

MR. BAEZA: We have such abundance of low-cost labor because of our situation on the border that we have had an increase in housing cost whenever we go to the minimum wage of \$1.40 an hour, which will give you an idea. As compared to the building costs, we are way under the cost of building here — still not paying union scale.

Whenever you go into the public projects you have to pay union scale, and this ups the cost tremendously over what we are paying.

MR. JOHNSON: *Thank you very much. Could you furnish the Commission a specific list of such specific items that have the effect of increasing the cost of building.*

MR. BAEZA: Yes, sir. We will do that.

MR. VANDERGRIF: *Is there a delay factor so far as public housing is concerned? This point has been made in other cities we have visited. We wonder if it might be true in your case in El Paso?*

MR. BAEZA: What do you mean?

MR. VANDERGRIF: *Processing of applications and that type thing.*

MR. BAEZA: Well, its kind of hard to compare.

MR. VANDERGRIF: I see. Thank you. Mr. Richard Ravitch?

## Low-Cost Housing: Public or Private Ownership?

MR. RAVITCH: *First, I would like to assure you that the problems you have described in El Paso — the cost of housing, the capacity of the people to pay — are prevalent in most of our American cities. We found this to be true in northern cities in ghettos, and in other sections of the country.*

*I would like to direct my question, not to the single house but to the multifamily project. Perhaps you might advise us if you have an opinion as to what method would be most beneficial and fair and protective of the public interest for the creation of low-income houses. Do you believe that there should be a Government subsidy to private builders and private ownership of houses? Or do you think there should be public ownership of the houses created? Or would you think just letting contracts for construction by competitive bidding would be best? Which system do you think is best?*

MR. BAEZA: I have had little experience and I don't know whether this is hitting your question or not. I am the owner of some low-cost apartments. I wouldn't call them "low cost," because they are medium-cost. I have 60 units which I have just finished about six months ago.

My apartments are built into a quadrant. There are four buildings — two to the quadrant, eight apartments to each building. My apartments are all two-bedroom apartments with 663 square feet of living area, and I have one apartment of 563 feet of living area. We have, I think, one of the nicest and the only low-cost or medium-cost apartments in El Paso. I opened the first one of my units two years ago. My cost — my direct cost, not figuring any profit for me — was \$5,000 a unit. This was fully furnished. I rent my apartments furnished. The apartment is \$87.50 a month fully furnished, a swimming pool included for recreational purposes. My biggest apartments I rent for \$92.50 a month. These apartments, like I say, can be built cheaply and can be rented cheaper to the public by having some kind of subsidy from the Government; I am talking about this to a private home-builder.

MR. RAVITCH: *Did you project anything for subsidy?*

MR. BAEZA: No.

MR. RAVITCH: *Nothing at all?*

MR. BAEZA: It is conventional financing. I borrowed \$135,000 for 30 apartments, and I will pay this out at a figure of \$1,485 a month. My apartments are doing real well. This, I consider, can help the low-income people by — like I say — having some kind of subsidy from the Government.

MR. RAVITCH: *But this is not getting down to the people that we were talking about, is it?*

MR. BAEZA: That's right.

MR. RAVITCH: *The only other alternative for getting housing for these people would be for the builder-developer to enter into a contract with the Government, with a regulatory agreement that the rent of his apartments would be a net, and if it were less than a fixed amount, then the Government would subsidize him.*

MR. BAEZA: Yes.

MR. RAVITCH: *Take the example of the project you just have described.*

MR. BAEZA: Yes.

MR. RAVITCH: *The rent would have to be brought down lower —*

MR. BAEZA: Yes.

MR. RAVITCH: *— to suit the people we are primarily concerned with at the moment.*

MR. BAEZA: Right.

MR. RAVITCH: *In what form of subsidy? Should we make payment to the tenant, or payment to you as owner and landlord? Should the payment be made to the lending institution? What form of subsidy do you think is more efficient and desirable?*

MR. BAEZA: That is a pretty broad question. It's really hard to tell, of course.

We could get all kinds of help from a subsidy right now — right down to taxes on an apartment like mine, which run \$2,000 a year. That part, I'm pretty sure, the Government, you know, would take care of. They could pay for the interest. There are so many items they could

help on, and I would say that my apartments, which rent at \$87.50 an apartment, probably could be brought down to \$50, if we could have help from somebody.

Who should the money go to? I think it should go to the one who makes the investment, which would be the private individual. In other words, an individual has to have a return on the money in order to stay in business, and if you don't make your return on the rent, somebody has to make it up.

## Little Filter-Down Housing

MR. WOODBURY: *Mr. Shepherd, in the situation of the low-income people that you described to the Commission, the supply of housing is decreasing. As you say, it's bad now and may become critical. Do you see any indication that in other areas of Fort Worth any reasonable or habitable houses are coming down to the range of these families? Do you see any of that happening in Fort Worth?*

MR. SHEPHERD: No, I don't, sir. I think that each area is more or less stable. In other words, some move out of one area and go to another area. When I was talking of this problem I wasn't particularly talking about the three areas that I am treating. I was talking of the city as a whole.

MR. WOODBURY: *I see.*

MR. SHEPHERD: We believe it's getting to 1,500 to 1,800 homes a year that we are tearing down citywide — not only in these three code treatment areas. Actually, we only have to demolish six or eight homes in all of the three areas put together. It was citywide that I was referring to, sir.

When you move people from one area to another you must have some place for them. If you don't have a place they end up by moving in with Uncle John or Brother Sid or someone and then the housing becomes overoccupied and that will cause many problems: health, fire and safety, and so forth. This is the problem we are trying to get away from.

MR. WOODBURY: *Thank you.*

MR. FEINBERG: *I would like to pursue the line of questioning begun by Mr. Ravitch.*

*There are 349 units of public housing I assume to exist in El Paso currently?*

MR. BAEZA: Yes.

MR. FEINBERG: *Can you tell me just what the population is on a family unit basis of the so-called ghetto or low-income class of people in El Paso, approximately?*

MR. BAEZA: 4.3 people per family, I believe.

MR. FEINBERG: *I mean how many units would you probably have? How many are among that group of people in El Paso in proportion to the 349 units of public housing?*

MR. BAEZA: How many family units?



MR. FEINBERG: *Yes, not the people per family, but take your population, if you can.*

MR. BAEZA: *There are better than 2,000 family units.*

MR. FEINBERG: *2,000? Then 349 hardly makes a dent.*

MR. BAEZA: *That's all. And the units were all constructed in 1939.*

MR. FEINBERG: *Can you tell me why there aren't more public housing units in El Paso?*

MR. BAEZA: *They tell me they don't have the funds.*

MR. FEINBERG: *They don't have the funds?*

MR. BAEZA: *They are seriously considering more. The people do not want to move from the South El Paso location because very few of them own cars. The area is about two or three blocks from downtown El Paso and it's close to everything. They can't move the people because they don't want to move.*

MR. FEINBERG: *We have found the same problem — a great wail of protest on relocation — we understand that.*

MR. BAEZA: *Yes, that is true.*

MR. FEINBERG: *I would like to go a bit farther and ask, in your opinion, whether or not public housing would fill the bill. And if not, should the low-income family housing be through private ownership? Can you suggest how we can overcome this problem of lack of money?*

MR. BAEZA: *The lack of money?*

MR. FEINBERG: *To provide this type of housing. Let me ask you this first: Do you believe sincerely that private enterprise can fill the bill and supply the demand and the requirements needed for low-cost housing?*

MR. BAEZA: *I believe they can.*

MR. FEINBERG: *You do believe that the theory of ownership — actual ownership — of the individual family units itself would be a move better than lending — assuming, of course, some subsidy to be available to make it possible? What is your opinion as to that?*

MR. BAEZA: *I don't believe, like I said before, the people are ready to buy homes just yet.*

MR. FEINBERG: *You say they are not ready to buy homes?*

MR. BAEZA: *No.*

MR. ROGERS: <sup>1</sup> *I concur with that. These people are used to conditions as they are across the border in their country, I assume. They don't want to get out and spread out. They are used to this closeness, and that is what they want.*

MR. FEINBERG: *When we were talking with Mr. Blackmon, he testified and suggested some long-term financing with a low rate of interest, which would obviously call for some type of Government rental subsidy for the monthly payments. Do you still think that it would be better to supply or provide for a rental subsidy than it would be to provide for a financial subsidy to the investor to make up the difference in the interest of his payments?*

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<sup>1</sup> Executive Director, El Paso Builders Association.



MR. BAEZA: I want to get back again to our problem. These people do not speak English very much. A few years down the road you are going to be 100 percent right.

MR. FEINBERG: *We are still faced with the problem that they don't have a decent place to live today. I know you are not rejecting the idea of educating and training them for jobs. There is no question that we will have to look to the future, because today's youngsters are the mature people of tomorrow that we want to worry about. And in doing these things we can just as well do them simultaneously with taking care of the housing. You agree, do you not?*

MR. ROGERS: Definitely, I think through education the whole thing opens the door.

MR. VANDERGRIFF: Gentlemen, we thank you for your testimony. We appreciate your comments, and they have been very helpful to us.

MR. DEGROVE: *This is not really a question but a request, Mr. Chairman. I would like to request that our staff contact the appropriate people in Fort Worth and Dallas and have them give us the data on the amount of public housing built in their metropolitan areas in the last five years, and the amount of 221(d)(3) housing in the last several years, so that we can have some firm data to supplement Mr. Shepherd's comments about it and about the low-income people and their needs, and the number of families, and the number of apartments available.*

MR. VANDERGRIFF: Mr. Douglas requested this same information. Thank you.

Our next speaker this morning is Mr. Joe Andrasko. He is a resident of this community, his energy is boundless, and his respect in this community is boundless. He is one of the most civic-minded business officials we have. This is the whole spirit of Ling-Tempeco-Vought Aerospace Company — when something worthwhile needs to be done in the community, this corporation is synonymous with the finest cooperation.

We have asked Mr. Andrasko to talk to us because he has a unique program. It is apart from housing, one might say, yet it touches the home and is a matter very close to the heart of this Commission. Mr. Andrasko, as Chief of Personnel for Ling-Tempeco-Vought, will you tell us about the program you are starting?

## STATEMENT BY JOE ANDRASKO

MR. ANDRASKO: Thank you, Mr. Vandergriff. Mr. Chairman, members of the Commission.

I guess I had better outline the problem first and then you can understand why we got into it.

We will locate a new division of our plant about seven miles east of this building in the next 18 months, and we will increase our plant population in this one division by about 7,500 people. We are employing now at about 13,000, and we have a turnover each month of about 3 percent; frankly, it is low in the aircraft industry.

## Training and Urbanizing 7,500 People

We will have to have between 13,000 and 14,000 people to get this additional 7,500 people that we are looking for. About two years ago we knew we were going to have some problem, because the Dallas-Fort Worth area had become highly industrialized, plus, of course, being a large distribution center with three fairly large or major aircraft companies: Bell, Convair, and ourselves. We "chew up" people pretty fast. We knew we would start running out of people and we just about have in the Dallas-Fort Worth area.

Here in the Dallas-Fort Worth area we experience about a 1½ percent unemployment rate, and normally they say you have a 3 percent rate.

For everyone that really wants a job or can do a job, you have a job. We have about 1½ percent unemployed and it makes for a very thin labor market in which to secure and train trainees.

We started planning two years ago for this kind of problem. We have put together what we call our mobile operation; we can transport the machinery to train people on a trailer truck and move it to the areas on the highway and set up in a building to train the people in their own territory. As you know, Texas has got pretty wide spaces. We had hoped to do this within a 200-mile radius of the plant.

We can train the people in their own hometowns to see if they are adaptable, and whether they will like to do the kinds of jobs we have. In this way there is less trauma coming off the farm. When they were ready to come into the city, they would be much more, you might say, competent, and they would do a better job. They would be sort of in position to understand what their jobs were, and they would get adjusted to the new city. It would be just one adjustment at a time.

About a year ago we were approached by the Economic Development Administration in Austin — Mr. Dick Morrison and Mr. Sam Lattimore, one of the field men — and we explained we were thinking of launching this program, and they said "Would you do it in the Valley?" By this, they meant the Rio Grande Valley.

We were not really anxious to go into the Valley, because it is a little out of our 200-mile radius.

The further you go in a radius from your home plant the greater turnover you will have. The people can't make it home every week or every weekend. But we have, we feel, a program that we can start. The program is to train 750 people in the Rio Grande Valley, the first locality being McAllen, Texas, right across from Reynosa.

A second location will be started in the Rio Grande Valley at Rio Grande City. We also have close to the border at Harlingen an area which is a little inland from the River. In those three locations we will train roughly 185 to 285 each. We hope the first school in McAllen will start right after Labor Day. In the other two cities we will start recruiting next Monday morning.

These people will be trained in sheet metal, assembly, and installa-

tion work, for beginning jobs under the Manpower Development and Training Act.

Several other groups are participating, trying to make this a success. I have already mentioned that the Economic Development Administration is providing facilities to make sure it is standard. And Health, Education and Welfare is putting in some money for the building project. The Labor Department is in the middle of it, providing the MDTA funds. In addition to that, the Texas Employment Commission is cooperating in screening these people through aptitude testing, to make sure they have the hand skills and ability to communicate, and to make sure they can be inducted into the plant-training program, which will take five weeks.

As I said, in their home cities, they will be trained where they will be among their friends, and they will be getting \$36 a week from MDTA program monies — about the same amount as if they were unemployed in the State of Texas.

After they finish the program of five weeks' training, if they complete it successfully, they will be moved with Federal funds to the Dallas-Fort Worth area. They will be put on entry jobs. They will have gone through the same training as we give here in Grand Prairie, about five miles east of this building.

At the time of going into the plant we start working on projects, and they will get \$2.39 an hour.

In this program there will be counsellors at each location. They will be hired in the Valley, so they will be people the employees will know and have confidence in. They will be examined by their own physicians, or physicians that they know, to make sure that they pass the physical requirements for working in the plant.

When they arrive in this area they will be again guided by counselors to introduce them into the urban-type living, coming from a rural area and semi-rural areas, which the Valley is. We hope this project will be successful for migrant labor.

In looking over the applications we will be working, basically, with people who have been through eighth grade to two years of high school. This is about the span of education we have found in a sample of 100 six weeks ago.

The reason they give us for this standard of education is that when someone gets up far enough or high enough or big enough he must start helping the family and he is taken out of school. We hope we can break this cycle.

Fifty or sixty years ago there was a big market for muscles. There is darn little market for muscle anymore.

I noticed that Mr. Feinberg from New Jersey hit on the education theme, and that's the answer. Frankly, I would like to kind of take the stump when we get on that. Education is the only answer. You must educate someone to do something; he can't sell muscle any more. When my daddy came over here he could, but that was 70 years ago. There are no longer very many jobs like elevator operators, or any



other service jobs. They have been pressed out of the market by automation, automation has taken over.

If we can break this cycle with the adults of today their children will not all be located in one area. The income, incidentally, is higher here than in El Paso and on the border, where it is about \$2,600 a family. I don't think there are very many jobs in El Paso and McAllen or Rio Grande City which pay as much as under this program.

Under the program, the male of the family goes to work and will be making about \$5,000 a year, and it is quite gratifying to us.

There is an industry in Dallas that wants to set up a parallel program with us, to teach the wives how to operate power sewing machines. They manufacture pants and sport shirts. He wants machine operators for his factory, which is within 12 miles of Arlington. If the people will locate in Arlington, south of Arlington and Grand Prairie, and if the women do take the sewing course automatically, there will be two jobs in one family, and the income of the family will jump considerably.

In addition to that, one local man here in Arlington called and offered to put in a housing project — apartments — actually for these people. It is low cost, and he was willing to put up 200 apartments, if he could see his way clear, renting at \$80 to \$100 a month, two and three bedrooms.

It would take at least nine months to process the papers to get these 200 apartments built, and if we start our program after Labor Day we are going to need housing at the end of October. If he could get private financing, or if there was some FHA guarantee of some type he could have the first apartments ready for occupancy in 90 days. He has other business interests, and one of them just happens to be a motel with a Mexican restaurant in it. He says these people could work as waitresses and chambermaids and in the kitchen. The number of service jobs in this area is just fantastic, if the people want them. Everybody wants to know if there will be any domestics in the group. There is a demand for any and every type of service help in the area, unskilled, skilled, and trainees.

We have thought of all the problems we could, and I am sure we haven't covered them all.

When these people come in, the counsellors will show them where the churches, schools, doctors, and different things are, how to operate in a supermarket, how to use the library, and just about everything that you are met with when you leave a town of 1,500 or come off a farm and you come in to a metropolitan area of 2,000,000.

We were hoping that we could distribute these people, but I don't think we can distribute them completely. We would like to have all 750 of them not living in the same neighborhood. We would like to get them distributed into the towns in the areas. We would like them to live from East Fort Worth-West Fort Worth to East Dallas and Mesquite and Garland. We think they have a lot to contribute to our culture, and we can learn from them and they can learn from us. I



think that is the only way that we can make them stay. We want to get them to tie their roots into this area.

I want to make it very clear that this is not a give-away program. Every once in a while you use Federal money in a give-away program, but I would like to think of it as a small addition to the most successful program — the G.I. Bill of Rights. I think that the Government got its money back from that. For every dollar the Federal Government spent they have gotten \$10 back in some type of taxes.

Those G.I.'s who got a higher education got a bigger house, a bigger car, and a bigger everything. The children of these people will, of course, pay more and more taxes. They will have all of the advantages of enough money. This kind of program I think is a very good thing, if we can keep the people here. It could be done in a lot of areas.

In the Valley at the present time there is 6 percent unemployed, and once the crops are in it jumps to between 16 percent and 20 percent.

The Valley has about 250,000 people, and when you take those percentages you are talking about a lot of unemployed people, who have to rely on the Government, so to speak.

We will take these people and put them to work. And the first time they make that \$2.39 an hour, our paymaster deducts something for taxes; so they are immediately paying back, and they are not on relief or compensation. You put them on the tax rolls. We feel it is a good program.

We are going to do our darndest. We have had many people come to us and talk to us about it, and they said they are willing to help to make it a success.

Thank you.

MR. VANDERGRIFF: Thank you.

Mr. Andrasko, this is a marvelous example of partnership between private industry and the Government, it seems to me, where there is a pattern of unemployment and bringing those people into jobs with skills. It seems to be a pattern that will benefit everyone, and we commend you for this effort.

I have not discussed your testimony with Senator Douglas prior to your statement. But I have been told that much of the legislation being used in your program was sponsored and supported by Senator Douglas. Surely it must be gratifying to him to sit and hear this testimony. We are very grateful to him. We are very grateful to you, Mr. Andrasko. Such farsighted people in industry stand us in good stead.

We have a brief presentation now by the City of Grand Prairie, and this presentation takes two forms. We are to see some slides, and then we are to take a bus to tour the area. The slides will tell us part of what we are going to see, and they will show what the areas were like in years past.

Mr. Clifford Johnson, the City Manager of Grand Prairie, is with us. He is one of the finest and ablest municipal administrators in the State, and he comes from an outstanding and progressive city. Their Mayor could not be with us today, but Mr. Johnson is well equipped to talk of this program.

Cliff, would you now tell us just what we should know in order to understand these slides.

## RENEWAL IN GRAND PRAIRIE

MR. JOHNSON: Thank you, Mr. Vandergriff.

In this particular project we have a code enforcement and concentrated program such as in Fort Worth, with some 1,800 families in this project. We also operate a city disposal plant that handles the sewage from Arlington, and I would like to say, Mayor Vandergriff, that if you have any other problems, Grand Prairie will help you with them. There were large numbers of people during World War II at the defense plants in this metropolitan area. By 1950 there were approximately 500 families in a depressed and deteriorated area, most of it shacks, and a large percentage of these were without plumbing or modern conveniences of any sort. In 1957, city officials and civic leaders began a detailed program in South Dalworth. After many months of consideration it became evident that the city could not handle the needed improvements. On May 31, 1958, the city voted by referendum for urban renewal for Grand Prairie.

The slides you are now viewing are of this area.

... The improvements began in an area consisting of 285 acres, covering approximately 70 city blocks. These areas, incidentally, were outside the city limits. At the time they were constructed they were without any type of control by the City of Grand Prairie, which was a small municipality at this time, and it did not exercise territorial jurisdiction. You are viewing the result of that lack of control.

... The survey showed 321 houses that would have to be remodeled or removed to meet the city housing codes. These ranged from shanties to chicken houses in which people were living.

... You can see that in the entire project less than half of the occupied structures were considered to be reasonably safe. The area had very little fire protection, recreational or educational facilities. Fire calls were frequent because of faulty wiring, et cetera. There were some three times the calls as in the rest of the city.

... Within the area were several public eating places, and the next few slides will be of such places. The one you are now viewing was patronized by many in that neighborhood, surprising as it may seem to you. Unsanitary and filthy conditions are easily seen.

... The next few slides will be interior shots of some of the homes that existed.

... In this one, for instance, you will note the bucket hanging from the ceiling to catch rain water, and how the rafters have been dripping water which is coming in contact with electrical wire. The piece of timber by the side of the bed there is to keep the ceiling from falling in. You will also notice cardboard that was placed up there for insulation, and exposed electrical wiring.

... This shot shows the kitchen sink in this particular house: a hole was punched in a five-gallon can and cold water is there to have inside running water.

... This particular man was only one of many who, because of age and environment, can see no escape from these filthy conditions. This man and his wife are not content with the situation, but there was very little they could do about it. They were spending what is generally referred to as "the golden years" in constant misery, and they could do nothing about it.

The problem of sewage that Mayor Tommy Vandergriff was sending to us, and waste drainage, was a major concern. Very few sewer lines are visible in the area, and those that were there were inferior, and those people not having those facilities had to rely upon outdoor privies, which compounded the health problem.

... These slides depict what was South Dalworth in the City of Grand Prairie. Property here was not a primary concern but the struggle for daily existence was.

... We will show a few slides of the work which has progressed. Through these following slides we hope to illustrate what happened in Grand Prairie, and what Grand Prairie is doing to help eliminate blight and create civic pride for the South Dalworth people. We are trying to supply recreation facilities, schools, libraries and street improvements. Storm-sewage drainages are being built or are nearing completion. About the first improvement noticeable consisted of almost 10 miles of new streets, curbs and gutters, drainage, et cetera.

... There were also seven churches in the area, and although they were not touched by urban renewal, every church entered into the spirit of improvement, and all either built new churches or remodeled their old ones.

Rehabilitation began shortly after project improvement. Many homeowners in the area who had standard or almost standard housing spent thousands of dollars for remodeling through various agencies of FHA.

We are very proud of the tremendous progress being made in this particular field. But in some cases, because of extremely low income, there was very little or nothing that could be done. However, since the passage of the 1965 Housing Act, we feel that we now have the answer to many of these problems. Section 115 of this act provides up to \$1,500 in grants and low-interest loans to carry out rehabilitation work, and Grand Prairie received very favorable consideration in this program, receiving the first grant in the Nation.

It is estimated that by the time we close the project there will be a total of several million dollars in private remodeling and new construction, some being financed through the FHA and others by conventional loans. All the street improvements have been made. New homes are being constructed, and for the first time in history

FHA and VA [Veterans Administration] are insuring homes in this area.

... This particular man is holding the deed to his new home. He is one of the first residents in the area to participate in the FHA program. Because of the new construction and rehabilitation, tax receipts have doubled within the past five years.

... A library was under construction at the time this picture was taken, in conjunction with construction of an elementary school. This slide depicts a part of the school improvement program.

... In order to provide adequate recreational facilities, the city developed some 17 acres in parks, and contracted for a new recreation building. This is one of the park areas, and this is a public swimming pool. A note of interest to you might be that although the pool was used, we find that the people in this area used the recreational building rather than the swimming pool. The completed project is estimated to cost \$2,000,000.

Prior to the urban renewal program services provided to South Dalworth cost the city far in excess of the revenue received from the area from taxes and otherwise. Now the area is paying its own way for the benefits it enjoys from public services.

More important is the impact that urban renewal has had on each individual in the community. The streets are quiet and fairly peaceful, and apathy has been replaced by spirit — not only changing the neighborhood but the entire City of Grand Prairie into a much better place to live for those who are not in the position to provide the basic necessities of life through their own initiative and income.

Mayor Vandergriff, this depicts a part of the story of code enforcement and renewal in Grand Prairie. We certainly appreciate the opportunity of presenting this to you, to give you a little bit of insight as to the local problems we have. Particularly, I would like to state our appreciation of the excellent and fine cooperation we have received from Mr. Collins and his staff through the Housing and Urban Development Program, and also to the directors of the FHA in Dallas and Fort Worth for their participation.

It was quite an experience to us to undertake a project of this magnitude and see the good sound, solid improvements for the efforts expended.

MR. VANDERGRIFF: Thank you, Cliff.

For the Commission and its staff now, we want to see at first hand the magnificent effort at Grand Prairie which has been so dramatically depicted, and we will move to this unique neighborhood of redevelopment.

We will hear also from Mr. Graham Schadt, Vice President of Holiday House 67, Arlington, Texas, and his presentation will be outlined to you on the bus itself. We will meet here again at 2:30 p.m.

(Adjournment.)



*Campus Theater  
University of Texas at  
Arlington  
Arlington, Texas  
Afternoon, August 11, 1967*

## **CHANGES IN LOCAL GOVERNMENT STRUCTURE AND FINANCING**

MR. VANDERGRIFF: We will ask you to come to order, please.

We are privileged this afternoon to have two distinguished witnesses — Mr. Alvin A. Burger, Executive Director of the Texas Research League, Austin, Texas, at Arlington, and Dr. Lynn F. Anderson, Assistant Director, Institute of Public Affairs, at the University of Texas, Austin.

We have asked Mr. Burger to speak briefly to the Commission about the Research League, a highly respected organization, and then to proceed with the description of a study recently undertaken by the League, which is partially completed. Mr. Burger.<sup>1</sup>

### **STATEMENT BY ALVIN BURGER**

MR. BURGER: Thank you, Mayor Vandergriff, and gentlemen of the Commission.

Let me say, first of all, we appreciate this opportunity to discuss with you some of the findings and results of the League's study of local government services in the metropolitan areas of Texas. We began the study two years ago at the request of Governor Connally. It will take another year and a half to complete. The first "leg" of our study dealt with local government structures in our metropolitan areas, and a report on this was submitted to the Governor and the Legislature last January. My statement will deal with that report and some of the findings and recommendations it contained.

I believe you gentlemen know that the Texas Research League is a citizen-supported, nonprofit, nonpartisan research agency. We do not lobby. We undertake our studies only by official request. They are financed entirely by the annual contributions of public-spirited Texas citizens and businesses, hopefully in the interest of better, more efficient Texas government.

### **Urbanization in Texas**

Let me begin by presenting some brief background facts about urbanization in Texas.

Texas' transition from a primarily rural to a primarily urban state

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<sup>1</sup> Head of Texas Research League since its formation in 1953. Previously research director of New Jersey State Chamber of Commerce and Council of State Chambers of Commerce, Washington, D.C.

has been rather dramatic. In 1940 the State's population of 6.5 million people was about evenly divided between rural and urban areas. Today Texas has more than 10.5 million people and slightly more than 70 percent of them live in the 39 counties which comprise the 23 designated Standard Metropolitan Statistical Areas shown on this map. Even on a small-scale map such as this, one can note that some of these areas are beginning to merge into one large urban region. The prime examples are the Dallas-Fort Worth, Houston-Galveston, Midland-Odessa and Lower Rio Grande Valley areas. More such mergers may be expected in the years ahead.

As you might expect, there is much diversity among these metropolitan areas. The most obvious is the population differential, ranging from a low of 63,000 in Texarkana to a high of 1.6 million in Houston. There are wide variations also in taxable resources and, consequently, in the level of governmental services provided. The number of local government units within a metropolitan area ranges from only five in the Midland SMSA to more than 250 in the Dallas SMSA. There are, of course, wide differences among the SMSA's with respect to population density — 20 people per square mile in Laredo SMSA and 1,100 per square mile in Dallas — ethnic backgrounds, and income and economic bases.

But there are some marked differences also between Texas SMSA's, taken as a whole, and SMSA's over the Nation. For example, the average density in Texas SMSA's is little more than half that of SMSA's generally.

## **Benefits of Liberal Annexation Policy**

There is also less complexity of governmental structure in Texas metropolitan areas. In 1962, there was an average of 39 local governmental units per SMSA in Texas as against an average of 87 per SMSA in the Nation as a whole. More significantly, 80 percent of the metropolitan population of Texas lived in the central cities of our SMSA's, while nationally only 51 percent lived in the SMSA central cities. This high rate of central city residence in Texas is due almost entirely to the liberal annexation laws under which Texas cities have traditionally operated. These laws have enabled our central city boundary lines to follow the outward thrust of urbanization. Thus between 1920 and 1940, a period of modest urban growth in Texas, the combined areas of our four largest cities increased hardly at all — from 196 to only 199 square miles. By contrast, during the explosive growth period 1940-1960, these same four cities expanded their boundaries to encompass a total of 909 square miles.

The annexation policy has done something more than merely contain increasing populations within a major general-purpose local government. It has helped our cities to maintain a better internal socioeconomic balance. To illustrate we reconstructed the 1960 Census statistics for the City of Houston to see what Houston would be like if it had been confined to its 1949 boundary lines. We found it would have

been a very different city indeed. Among the many striking statistics obtained, let me cite just one: median family income in Houston in 1960 was \$5,902; had the city been confined to its 1949 limits, it would have been \$4,848 — more than \$1,000 lower. This one statistic suggests how Houston differs from cities of similar size elsewhere. Houston certainly has its share of problems, but the resources to cope with them are greater than they would have been without our liberal annexation law. Those laws were modified by legislation in 1963 in response to some abuses arising from competitive annexation practices in several growing metropolitan areas. But they still remain relatively liberal in comparison with other states.

## **Special Districts, Municipalities Proliferate**

Liberal annexation policies, however, have served only to ameliorate, not prevent, the trend toward proliferation of local government units and the fractionalization of metropolitan areas which have attended rapid growth. Unfortunately, our laws offer practically no means of controlling the creation of new municipalities, while special districts tend to multiply in an atmosphere of legislative leniency. Our League's study disclosed that, between 1952 and 1966, 138 new municipalities were established within the SMSA's, along with 298 new special districts. (The number of school districts in these SMSA's, however, declined by 104 in the same 15-year period.)

To illustrate the effects of this proliferation, here are two maps taken from a recent Dallas County planning report showing municipal boundary lines in that county: one map shows the 1940 picture, and the other, the 1965. You can see how the county has become virtually covered by incorporated municipalities in the past 25 years. You can also see that the City of Dallas can no longer expand its boundaries by annexation. Like the central cities in other parts of the nation, Dallas is now surrounded by incorporated communities and could, in time, experience the problems one has come to associate with that kind of situation.

One can more fully appreciate the effects of municipal proliferation when we look at the four-county urban region embracing the Dallas and Fort Worth metropolitan areas. The four counties presently have 100 municipalities. But I direct your attention particularly to the four municipalities we have highlighted on this map, none of which renders any governmental services to speak of. Notice how Northlake sprawls irregularly over a sizeable and sparsely populated area. It levies no taxes, renders no services, and exists to protect the farmers of the area from possible future annexation by a real city.

Westlake — a sort of Siamese twin development — offers mute testimony to the fact that annexation laws can be abused: this "umbilical cord" represents the annexation path between the two principal bodies of territory. Municipalities such as this will stand as barriers to the efficient organization of governmental services as population density increases in the area.



But for a really unique approach to municipal planning we direct your attention to Fairview and Lucas, whose city limits follow and are confined to the rights-of-way of state and county roads. These are obvious protective incorporations, and Lucas is especially interesting because of what it is intended to protect. The municipal boundaries have been carefully drawn to encompass the lines of a private rural water supply corporation financed by the Farmers' Home Administration — an agency of the United States Department of Agriculture. The authors of this municipal monstrosity must have known that their corporation would be put out of business if the area could be annexed by a real city.

In calling your attention to this FHA involvement we are not trying to suggest that the Federal Government has, or should have, any responsibility for control of municipal incorporations. But we think you will want to be conscious of the fact that Federal programs can, and sometimes do, encourage unsound local government structure.

We need also to recognize that annexation is not always a quick enough response to the problems of urban sprawl. This we can illustrate by a series of slides of Harris County, showing the expanding municipal boundaries of the City of Houston.

. . . The black dots represent the sewage treatment plants in the area. Here is the picture in 1945; here in 1950; and finally in 1962.

. . . Notice how the proliferation of these small and generally uneconomic treatment plants track the outward thrust of urbanization, and how they have outrun the ability of the central city to annex the developing territory. Houston is now engaged in a \$58 million program of scrapping many of these small plants, bypassing them to bring the sewage to a few large plants that are much more economical to operate. No one knows how much might have been saved had there been a mechanism for meeting the problem at its inception. We do know, however, that liberal annexation laws were inadequate tools in this instance.

Thus annexation is a useful and effective tool, but not a cure-all. Furthermore, we have concluded that there is no such thing as a single cure-all for all metropolitan problems in all metropolitan areas. Consequently, in our first report to Governor Connally and the Texas Legislature, rather than propose a single solution as a cure-all for problems faced by the diverse metropolitan areas of Texas, we attempted to develop a package of solutions — all of them optional and voluntary — which could be adapted to differing local situations. We believe that county governments in our rapidly growing urban areas will feel increasing pressure to undertake essential public services which can no longer be soundly contained within municipal boundary lines. We also see much inefficiency and waste accruing from the present practice of creating a multitude of single-purpose special districts to do these things.



## Urban County Concept

Accordingly, we recommended two constitutional amendments. One would classify the most populous counties in our metropolitan areas as “urban counties” and give them additional taxing latitude — beyond the present 80-cent county tax limit — to perform specified essential services on a countywide basis. The amendment would also enable these counties to perform services for unincorporated urban areas and for constituent cities on a contract basis, with the costs borne by the local entities thus benefited.

The second amendment would give the citizens of an urban county the right to vote to reorganize their county government to meet more adequately the demands of growth. Optional reorganization plans would be set up by the Legislature. The plain fact is that our Texas county government structures haven’t been materially updated in many decades. We found that in many places the public has lost confidence in the competence of county government to perform efficiently and economically. This is one reason why so many countywide special districts are created to perform services which a well-organized county could and should perform.

Another possibility for obtaining better service in our metropolitan areas is found in interlocal contracts and agreements. This falls short of the areawide service that a county government could provide, but one that would be acceptable in areas where the county is not yet ready to move. We believe that the State has some responsibility to encourage its local subdivisions to operate in an efficient manner. Thus we recommend that the State make grants to assist local governments in devising and implementing sound and sensible interlocal cooperative arrangements.

Beyond this we recommended a substantial tightening up of the statutes under which new municipalities can be created.

We also recommended the creation of a state local government agency to render certain specified services to municipal and county governments, and to provide a badly needed source of information upon which governors and legislators could draw in developing urban policy.

## COG Movement and Federal Grants

Our study brought us face to face with the need for some suitable mechanism for regional planning and cooperation throughout each metropolitan area. Here we came to the conclusion that the device which holds the most promise — at least in the Texas context — is the council of governments. As you know, these COGs are simply regional associations of local governments represented predominantly by the elected policy-making officials of those local units. While the COG “movement” originated at the grass roots, it received great impetus in the enactment of the 1965 Federal statute requiring regional planning review for specified Federal grants in metropolitan areas; also by the

provisions of Section 701(g) of the Housing and Urban Development Act of 1965 making COGs eligible for very broadly defined Federal planning grants. As of today there are 14 COGs either formed or in process of formation in Texas. We don't look upon these as the magic answer to all our metropolitan problems. But we believe they hold promise of being vital and viable devices for the solution of many of them. The record to date of the North Central Texas COG here in the Dallas-Fort Worth area encourages us in this belief.

We know that many of these COGs have been created in the belief that they constitute an accepted means of obtaining Federal grants. Professor Royce Hanson has called COGs of this type "Federal grant brokers" and, he says, "The Council which serves only as a brokerage . . . operates at a low level of utility in providing real leadership of action in meeting metropolitan problems."

Not only do we agree with Professor Hanson, but we reached the same conclusion independently of him. In a nutshell, Section 701(g) has been a mixed blessing to the COG movement. It has certainly stimulated its development, but it has also tended to corrupt the movement in some areas by creating the impression that it is some sort of federally invented device which must be utilized to humor the bureaucrats in Washington.

As we watched this trend we concluded that a State enabling act that merely authorized the legal creation of COGs in our metropolitan areas would not be enough. So we recommended a rather detailed statute which would spell out clearly the responsibilities of COGs, specify minimum representation for local governments and — most important of all — provide a solid base of State and local financial support which would make it possible for these organizations to operate independently of Federal funds if ever it should be necessary and wise for them to do so.

## **Interlocal Cooperation Originating Locally**

What I am saying is that truly significant progress in solving metropolitan problems of governmental structure and organization can never be dictated from the top down. The Federal Government can use financial means to encourage intelligent solutions to these problems. But the true initiative in implementing them must come from the local political and civic leadership, supported by sufficient State law and all the encouragement — moral, technical, and financial — that the State can provide.

Local government has been made more complex in the past few years by the multitude of new agencies spawned by Federal programs. Even in the area of regional planning we find different Federal agencies encouraging the establishment of overlapping and competing programs. In south Texas, for example, we found the counties of Hidalgo, Cameron, and Willacy combined into a HUD-recognized Council of Governments. These same three counties were also in an economic development district with three additional counties — Jim Hogg,

Zapata, and Starr — which were, in turn, in another COG with Webb County and Laredo, which was, in its turn, part of a separate 11 county EDD [Economic Development District]. In many respects the purposes and functions of the COGs and the EDDs have overlapped and duplicated each other.

As you know, the President last September issued an executive memorandum calling upon Federal agencies that were promoting regional planning in a given area to make joint use of statistics, consolidate their staffs and facilities and, whenever possible, develop coterminous areas.

It is doubtful that anything would have come of the President's memo in the Lower Rio Grande Valley had not our State and local officials taken some action. The State — working through Governor Connally's office — insisted that the areas served by the organizations in the Lower Valley be made coterminous. The result was that Jim Hogg, Starr, and Zapata counties withdrew from the Texas southmost EDD and affiliated with the EDD to the north and west. Now we had coterminous areas and an expressed desire to form one organization.

The Texas Research League was invited to make a study of how that could be accomplished, and on Wednesday, August 2, in Harlingen, the public officials of the area disbanded both the COG and the EDD, and created in their place a single Lower Rio Grande Valley Development Council. This will have many of the attributes of a COG. It will, for example, be dominated by local public officials; but it will include citizen representatives, thus qualifying it for funds administered by the Economic Development Administration. Both EDA and HUD officials have been helpful in working out the details of this plan. In the near future we shall present to this new organization a suggested work program which will enable the local governments of the area to fulfill all of the known requirements of Federal law, and will also establish a blueprint for interlocal cooperation which should pay real dividends to the citizens and taxpayers of the area.

The successful launching of the new organization is directly traceable to the fact that local people were closely and intimately involved in all of the details. They have the feeling that this is *their* organization, and the fact that it also meets Federal requirements is a sort of frosting on the cake.

You are probably curious about the fate of the several recommendations which I have described to you. They were all endorsed by Governor Connally and introduced into the 60th Texas Legislature as part of his program. They did not pass, but it would be a mistake to assume that it was a total loss. We fully expect that they will be considered — possibly in improved form — in the next session and will eventually become law.

Meanwhile, the 60th Legislature did take some actions helpful to our metropolitan areas. For one thing, it appropriated \$250,000 to the Governor to assist metropolitan and other regional planning efforts throughout the State. This was in line with one of our recommendations. The action represented a major breakthrough in terms



of State responsibility for urban planning. The Legislature also passed a bill empowering the Governor to assist and represent local governments in their dealings with Federal agencies, thus effectively implementing one of the key functions we envisioned for the proposed Texas Local Government Assistance Agency.

Other legislative actions designed to help meet metropolitan needs included:

The appropriation of \$2 million for planning grants for regional water quality control facilities.

A complete reorganization and substantial upgrading of the Texas Water Pollution Control Board (now called the Texas Water Quality Control Board) in line with recommendations made by the Research League two years ago.

Passage of legislation aimed at controlling air pollution.

Enactment of a bill designating the Governor as chief planning officer for the State and authorizing him to coordinate the planning efforts of the various State departments and agencies.

Creation of Urban Institutes at the University of Texas at Arlington and at the University of Houston.

Placing on the ballot a proposed constitutional amendment which will, if approved, gradually take the State out of the ad valorem property tax field. This would make it possible for urban counties to finance areawide services without unduly penalizing their taxpayers by increasing the assessments used for state tax purposes.

Obviously, the Legislature did not do all that many of us would have wished. Obviously, too, Texas, like many other states, will want to step up its pace to assume its rightful role in solving these problems. But I would suggest that those who are reciting the requiem for state governments are a little premature. There is still lots of life left in the old boy after 192 years.

I believe you gentlemen have already met the Chairman of our League over at the luncheon, S. J. Hay of Dallas, who is here in the audience. He is Chairman of the Board of the Great National Life Insurance Company. Also Mr. Harold Dunn, who is Chairman of the Board of the Shamrock Oil & Gas Company of Amarillo, and the Chairman of our 14-member Advisory Committee on the Texas Metropolitan Area Study.

The man who is assisting me in showing you the pictures and the maps is James McGrew, our research director, who had direction of this study and who will join me in answering questions. He will take care of the hard questions that you may ask.

Thank you.

MR. VANDERGRIFT: Thank you, Mr. Burger, and Mr. McGrew, for coming today.

We are now going to hear from Lynn Anderson,<sup>1</sup> Assistant Director,

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<sup>1</sup> Consultant on governmental accounting, public finance, and finance management to government agencies in Texas and elsewhere. Author, co-author of more than 60 publications in the public finance field.



Institute of Public Affairs, University of Texas at Austin since about 1950.

I must apologize for being uncertain of my wording here, but I think I read in the newspapers an announcement just within the last few days that Mr. Anderson has been named an acting director of a greatly broadened and much more ambitious endeavor in this field of public affairs at the university. This Institute of Public Affairs is going to be of vast influence in promoting better government in this State and nationwide. We are proud of this establishment here, and we are proud of Mr. Anderson's relationship. Mr. Lynn F. Anderson.

#### STATEMENT BY LYNN ANDERSON

MR. ANDERSON: Thank you very much, Mr. Vandergriff. I am, as of this time — and have been many years — assistant in public affairs at the University of Texas and, by action of the University Board of Regents two weeks ago, have been named acting director of the Institute of Public Affairs as of September 1st. Our present Institute of Public Affairs will be merged into the Lyndon Baines Johnson School of Public Affairs, which will be put in operation within the next two or three years. I am honored and appreciate the privilege of being asked to appear before your distinguished panel. I should like to apologize for not having a prepared text for my brief remarks, which I have been asked to limit to 20 minutes.

I was requested to make observations on the financing of urban governments, or governments in urban areas, which is rather clearly an impossible task in a short time. It is one which is complex and increasing in complexity, involving answers to many different questions:

What services are urban governments performing? What are the financial requirements for providing such services? Whether the government is Federal, state or local, all three are going to have responsibility. What is going to be the division of responsibility? What policies will be followed by urban governments in financing urban requirements?

Are we going to rely on indebtedness for capital requirements? Do we have pay-as-you-go? Or do we have a combination of the two?

To what extent are intergovernmental grants to be relied upon for capital requirements?

What forces will be used to meet the enlarging demand for government services, and particularly within metropolitan areas?

I doubt that there is a single answer, or necessarily a model answer, to these questions.

#### **Diversity: Main Feature of Urban Finance**

Diversity is a main feature of urban public finance, and I suspect that this is as it should be, and that it will continue to be so. What may be desirable and appropriate in one state or in one region of one area may not be appropriate in another.

I might also say that, as a matter of basic belief and philosophy, I think that local government in metropolitan areas has an important role as such to play in the financing of urban services. I say this because there is frequently a tendency, I believe, to assume the Federal Government will take an increasingly larger responsibility in the fiscal reality of local government. The ability of the local governments to perform to the maximum of their capabilities, and to the extent that they have economic resources, is of great importance.

We need to keep in mind the fact that when we talk about government in urban areas we tend to think automatically of the local governments that have their seats in the county: the county school district and the city. Actually, a good part of government at Federal level and government at state level is concerned with and directed toward activities in urban areas, and this gives you all levels of American government.

Now, as we look at the financing of urban services, it seems to me that changes in what we might call program responsibility, and the related financial responsibilities, will continue to be evolutionary rather than revolutionary. In the flow of interest by the various forms of government, and under stimulation by both state and Federal governments, there will be shifts in the real degree of assumption by any one unit of a particular function. What I am saying is that financing is basically a state responsibility and a state problem, although aided substantially by the Federal Government and involving extensive delegation to local units. Many of our local and municipal activities will remain as such, and they will not be assumed by the state or by the national government in any wholesale fashion.

I think that it is obvious, perhaps, and does not need restatement that the demand for urban services, in our metropolitan areas especially, will continue to increase, causing rising expenditures and need for additional resources; that this will demand both increased growth of our existing tax base and our revenue, and increased utilization of some of these with the passage of time.

What we have been facing, and what we face now and in the years ahead, is essentially the budgetary problem of meeting expanded public service needs with limited financial resources. And I want to make the point that we need a consistent and constant re-evaluation of all the services and programs and methods utilized in the programs by all governments operating in our urban areas.

We need to question repeatedly whether or not services now being performed should continue to be performed by the governments now responsible. For example, just because a municipal government has traditionally been in the refuse collection business does not necessarily mean that this is the only possible means for having this service provided within urban areas.

A prominent city manager, a former Texas city manager and now city manager of St. Petersburg, Florida, Mr. Lynn H. Andrews, made a very high-impact speech to a group of managers in which he was

decrying the fact that, traditionally, municipal operations were leading to decisions by default.

As we look at the impending financial problems of cities we need also to look at the cause for expenditures in the first place, before looking for the sources of revenue to meet those expenditures. We should accept nothing simply because it is traditional.

I think it is well advised to follow one of the procedures which was inaugurated a few years ago by the State of New York in connection with budgetary problems; that is, to consistently examine whether or not in some instances it might be possible for some of these activities to be shifted. Admitting that this is being done — and I think will continue to be done, and on an increasing scale — we need better budgetary decisions and cost analyses for urban services.

## **New Revenue Patterns**

In the few moments that I have remaining I would like to suggest some of the things along the line of what revenue patterns may be.

First, we have an obligation to re-evaluate equity aspects of existing revenue sources. There are some local governments that have sources of revenue yield out of proportion to the cost of their administration.

Perhaps some sources can be eliminated, at the same time developing other secondary sources which have very good revenue potential.

Governments need no longer leave their idle cash balances idle. They can invest them. Communities have found that they earn substantial revenue from this during the course of a year.

There should be, I think — and this is an area where local governments frequently default — an annual and up-to-date pricing of certain urban services. Your urban services are, in effect, sold to the user as opposed to being financed out of general revenues. The intent is to put all or a substantial part of the cost on the beneficiary to the services. All too often, however, once a rate is set for such services it stays static for many years; yet the cost of providing that service increases if nothing else, because prices constantly rise in the community. What I am saying is, your services should be currently priced.

Now, I am talking about some of the principal sources of revenue. I would emphasize, and certainly this is a repetition of an old song heard many, many times, that the main tax source of local government is the property tax, which could stand improvement, and in a fashion to meet a significant portion of local government requirements. There is no doubt that the property tax will continue to be a major financial resource of local governments.

If we will look at the City of Philadelphia, which has had a local income tax since 1939, the property tax still raises the same amount of revenue, and this is true in many other of our cities that have long ago diversified their revenue structures.

## **To Improve Property Tax Performance**

I want to mention very briefly in passing some things that can perhaps be done with the property tax which will improve its performance in the urban areas. We should give more attention to the assessment of land at full value, at its highest and best use, and perhaps give attention to the assessment of improvements at a lower fraction, so as to promote the best possible development of land in urban areas.

History tells us there are certain types of property which should be exempt from the ad valorem tax, or perhaps taxed by another means.

Another area of property tax, which is currently receiving a great deal of attention and criticism although it has many long years of history, is the property tax on inventory.

We need fewer and larger assessment districts. We need more professional tax people. We need the application of modern tax means and procedures.

In some instances it may be desirable to have state assistance or perhaps assessment of certain types of property at the state level. I need not comment on these suggestions, as they are ages old, and they have been uttered many times before, but our progress has been dismally slow in this area.

In the State of Texas, for example, we have more than three layers of local units, most of them separate taxing authorities, making independent assessments and collections.

In recent times assessment by the state has been recommended. It would be possible, of course, to have a state set a value on each piece of taxable property, and require that this value be utilized by every taxing authority with taxing powers. Unless assessments are improved, unless assessment at local level is re-examined, and with this sleeping giant — the State of Texas — coming to life as it has in recent years, we may find that local government has lost in the deal and the State will step in.

## **Trend in State and Local Sales Taxes**

We have seen in recent years some elimination, and to some extent the replacement, of the property tax with various other taxes: sales taxes, income taxes and various types or selective sales taxes.

The trend of development is the authorization of nonproperty taxes by designated local units of government, with the stipulation that the administration be by the state, because it overlaps taxes for the state.

Mention was made of the fact that we asked for a statute authorizing Texas cities to impose a sales tax at the rate of 1 percent, as a local option matter. The tax was to be administered by the State Bureau, the basis to be identical with the State government's tax.

If we look at the total development in recent years, certainly this one thing stands out within the last 10 years: there has been a definite move in the American states toward the utilization of local, state-



administered sales taxes. This tax is utilized by some 2,500 units of local governments — in Illinois, Mississippi, California, New York, Virginia. Colorado also recently authorized certain local units, other than home-rule cities, to impose sales taxes administered by the state.

If the development of the last few years continues in this area, it would not be surprising to see the very widespread utilization of sales taxes by local governments as well as state governments, with the combined taxes at rates up to 7 or 8 percent by 1975.

I think we will also see another kind of tax which we do not have today — the utilization of local supplements to a state income tax. In the past, income taxes have been local taxes administered by local governments. These have been centered primarily in Ohio, Kentucky, and Pennsylvania. Maryland this year passed a law which, in addition to making changes in State income tax laws, authorized counties to levy a local income tax as a supplement to the State tax, to be administered by the State. I suspect we will perhaps see an extension of this.

## **Grants-in-Aid as Revenue Source**

I have about used up my time, and I have not had an opportunity to make any remarks with respect to two other areas in urban finance: one is the role of grants-in-aid.

There is no question but that we will continue to see extensive utilization of grants by the Federal Government and state governments to local governments.

In the State of Texas we have practically no state aid to cities as such, except to local school districts for support of public education.

The use of state grants to cities and local governments, with some sort of equalization, is what I am talking about. Let me be specific. Mr. Burger mentioned Laredo in his per capita income statement. Even with extensive tax authorization there are certain limits. If the state or national government wants to demand a certain level of performance some means is going to have to be made to supplement local taxing.

We need to look at those measures which will maximize the credit of urban governments so as to minimize their borrowing costs. Again, this could be a topic all in itself.

Let me make one final comment: I view the cities' future optimistically.

I think a Federal system can finance many of the urban requirements that we face in the future, relying upon the experts and the governing officials or others, who will need to convince the citizen taxpayer that financing services is business, that it is an unescapable obligation of many of us.

Thank you.

MR. VANDERGRIFF: Thank you, Mr. Anderson.

Fortunately, we are going to be able to direct questions to these gentlemen, and we would like to do so.

Before progressing further, I would like to ask if there is anyone in the audience who might have a brief statement they would like to direct to the Commission — either a verbal statement or a written statement to be included in the Commission record. If you would, come to the microphone and tell the Commission your name and the organization you represent. We will be delighted to hear from you.

## PUBLIC WITNESS

### **Mr. Graeser: Conflict in Water Supply Provisions**

Mr. Chairman, Senator Douglas, members of the National Commission of Urban Affairs, I am Henry J. Graeser, Superintendent of Water and Sewerage for the City of Dallas, Texas. I am also, at this time, President of the American Water Works Association, which is a scientific and professional body representing some 20,000 water utility managers as well as city officials and educators who are responsible for the operation of waterworks systems in urban areas of the United States serving an estimated 165,000,000 people.

I want to call to your attention a problem of water supply development in the fringes of our urbanized areas which poses a very difficult decision, to both urban and rural planners. Under Senate Bill 1766, an amendment to the Consolidated Farmers Home Administration Act of 1961, the Farmers Home Administration, an agency of the Department of Agriculture, has funds available for loans and grants to develop water supply for rural areas and small communities under 5,000 population. The program in itself is very much akin to REA [Rural Electrification Administration], and its advantages in upgrading the rural communities are patent. The terms of the bill style rural areas, for the purpose of water systems, as "any area primarily engaged in or associated with agriculture and not having a population in excess of 5,000 inhabitants." It is extremely difficult, however, to decide just what is a rural area, as Mr. Sam Baxter, Past President of the AWWA, wrote to the Honorable W. R. Poage, who sponsored the House version (HR-5076) on August 19, 1965. There has been a massive movement throughout the country to develop small water systems adequate for rural standards but definitely inadequate for any type of urban development. In many cases such assistance has been requested from FHA [Farmers Home Administration] by suburban communities under 5,000 within or adjacent to large metropolitan areas. In many cases these include several communities and the intervening rural areas. The systems, as they are installed and designed, are very often of plastic pipe in sizes of 1½ to 2 inches in diameter. They are not intended to furnish fire protection nor, for that matter, will they meet the demands of the modern urban home. The problems which are created are twofold:

(1) A system inadequate for urban standards is created which most assuredly will have to be replaced or paralleled if and when the area develops to urban standards.

(2) A separate governmental water agency is set up which is not coordinated with present or future municipal water plans, thus creating an almost unsolvable problem in terms of overlapping service areas and having no established means of acquisitions and coordination of the system later with an area supply system.

As long as these systems are built in areas which are completely rural, or involve small communities completely isolated from a metropolitan area, they fill a real need and no problem is created. The problems resulted when the FHA systems, with their substandard designs, were created in the immediate fringe areas of metropolitan areas.

## **Federal Agencies at Cross-Purposes**

Thus, we have a situation like this: The Department of Housing and Urban Development is vitally concerned with area planning. Its objectives in the creation of metropolitan area Councils of Governments are to develop areawide water and sewer systems. The consensus is that only through coordinated and area-planned sewerage can the purity of streams and rivers in a metropolitan area, as well as the health and wellbeing of the metropolitan area, be protected. Likewise, with water systems, multiple or polyglot approach to water supply developments can be disastrous. When a minimal water system is provided to the predominantly rural fringe areas, further development is encouraged. The population increases, as does the demand for more urban-type services. Yet the nature of the development (without building, zoning, or subdivision regulations) continues to be of the uneconomical, sprawl type that encourages the development of substandard subdivisions.

The increased growth generated by the availability of water in turn builds the demand for higher-capacity, higher-standard water systems, which do become economically feasible. Generally, the small distribution lines are inadequate to meet this larger demand. They either have to be replaced with larger lines, or an entirely new, competing system has to be provided. Provision for these new facilities will undoubtedly become economically feasible before the lower-capacity, lower-standard water system financing has been paid off. Normally, the combined financial burden of a new urban level system and retirement of indebtedness on the old system has to be assumed by the larger municipal system. The original customers of that system in effect have to subsidize the improvements for the new customers in the outlying areas. Thus, the net result is development of a substandard, inadequate water system by one agency of the government which completely contradicts the objectives of another government agency dedicated to orderly and proper development of our metropolitan areas into urban communities.



This conflict has been brought to the attention of the Federal Government agencies involved. As a result a coordinating procedure has been established whereby any application for an FHA system in a metropolitan fringe area is submitted by the Federal Farmers Home Administration to the HUD officials for their approval. HUD, by the same token, forwards the application to local Council of Governments and state water development agencies for recommendation.

While the coordination has been provided, there still remains a most difficult decision. Someone must say "No, you cannot have water now because you will cause substandard development in what is now a rural area soon to be urbanized." There are a number of small unincorporated areas consisting of property owners who have bought rural land at low cost and developed their homes outside the city who have no water supply at all. These are not farmers per se, but they are rural persons. So, the fact that there is a coordinating procedure set up has not erased the problem of creation of a water supply agency in the urban fringe areas. The Farmers Home Administration says, "If the city won't serve these people, we will." But, no revenue-supported water system can afford to extend standard water service to such sparse population.

So we have an impasse. There is desperate need for action immediately to seek a means by which proper planning and design of such systems in fringe areas can be accomplished. Even more important than system size is the need for the means to provide for incorporation of such a system into a municipal or area water supply authority when urbanization occurs. The fact that the FHA systems will encompass municipal boundaries, and possibly include several cities, establishes an operation which cannot be erased when and if the cities grow. There is bound to be a transgression of service areas, and this, coupled with the inability to incorporate or amalgamate the FHA system with a municipal or areawide system, is certain to present traumatic problems to the city builders of the future in establishing a single standard of service.

As our annexation laws change, and as they must vary throughout the country, this is becoming increasingly impossible. A water district, or an FHA nonprofit organization, might encompass more than one city. There is simply no established procedure by which a city can take over ownership and operation of the system, serving it partially. It can assume ownership of a district if it can annex the entire district. The nonprofit FHA organizations are especially difficult, since there simply is no provision for taking over such a system, except condemnation or negotiation with the board members. Thus, it can very easily be an impossible task to amalgamate an FHA system at a later date with an area-planned and standard system. There will be duplicate service offered by both the FHA-sponsored system and a municipal system, one inadequate for fire protection and with different rates for service. It is hard to live with your citizens under such circumstances, and often paralleling of the existing system occurs.



## Orderly Assimilation of Interim Systems

These problems simply should not be allowed to accrue. Rather, we should plan now to do something that will allow for an orderly coordination of construction through a plan which provides for assimilation of such "interim" systems created to solve a present need. I would suggest to you also that the funds provided the Farmers Home Administration be allocated to HUD for administration to those areas designed as "metropolitan." These are people who are urban-area oriented and are most closely associated with its needs and requirements. It is not a farm or rural problem.

Throughout the United States metropolitan areas have been designated and this, coupled with the creation of Councils of Governments for metropolitan planning for all urban affairs, sets the stage for a most useful and economical implementation of this program. Above all, the procedures by which such water systems are created should provide for assumption of ownership of the facilities by either an incorporated city or a properly created water authority which has planned for the area as a whole. Funds should be granted to cities over 5,000 where they are willing to extend service outside their boundaries to such rural areas or to other small cities.

Primary to all of these considerations is the restriction of rural real estate developments' taking advantage of the creation of such systems. This is a direct creation of urban sprawl, which is the bane of most metropolitan areas as they develop. There must be code enforcement either through contracts for water service, or through proper state and county administration of the rural areas.

In Texas we have the major disadvantage of no meaningful control over real estate development in the rural areas. There is no building code requirement, nor are there proper zoning and real estate subdivision planning requirements. This, of course, should be corrected, but in the meantime other means of controlling this type of subdivision development and providing for inspection of the construction as it exists under a code should and could be enforced through the provisions of the loan and the contract requirements for water service. In this manner also, if service areas were assigned to districts, municipal or investor-owned systems in a metropolitan area, and FHA or HUD assistance was made available to advance the capital cost over and above the capital investment that water rates justify, water systems could be constructed to better standards and would be usable for urban service with reasonable upgrading.

I hope that this Commission can take this matter under advisement, and at least set in motion some guidelines by which we can assure a more orderly implementation of the two Federal programs without conflict.

I understand that consideration is being given to S-1766, which passed the Senate July 23, in conjunction with HR-5076. Recognizing that popular support for these bills virtually assures passage of legislation to provide water supply assistance to rural areas, I, as a water

utility manager and engineer, and as President of the American Water Works Association, am anxious to bring to your attention certain safeguards dictated by good water utility practice that would help to make such legislation sound.

To qualify myself to speak on this subject, I wish to note that I have been Commissioner and Chief Engineer of the Philadelphia Water Department since 1950. The American Water Works Association, of which I am currently president, is a scientific and educational association whose purpose is "... to consider and deal with the problems involved in the production and distribution of safe and adequate water supplies; to promote satisfactory relationships with the consuming public; to give proper consideration to and express opinions upon practices which will enable the industry to render the best possible service to the public . . . ."

At the present time, the Association has 17,500 members, consisting of water utility managers and engineers, as well as city officials, consulting engineers, educators, health department and other government officials, and manufacturers of water utility equipment and materials.

Speaking to the subject of the bills, I should first like to point out that there is a difference between urban and rural water systems that the bills, as currently written, do not take into account.

## Definition of an Urban Water System

As far as we in the water utility field are concerned, an urban water system is one which serves a consolidated community, consisting of homes and commercial and industrial establishments, with a population of at least 500 people, such as those in the 22,000 communities in the United States in which 165,000,000 people are now served by public water supplies. Our feeling is that such systems should operate according to the following guidelines:

AWWA believes that the interests of the public and of individual customers of water supply systems serving the public can be served best by self-sustained, utility-type enterprises, adequately financed, and with rates to the public and customers based on sound engineering and economic principles designed to avoid discrimination between classes of, or individual, customers. To this end, AWWA establishes, as an ideal toward each water supply utility serving the public should strive, the following standards:

1. Delivered water should: meet, as a minimum, USPHS [U.S. Public Health Service] standards; be as free of objectionable taste and odor, color, turbidity and staining elements, and as noncorrosive as practicable; be adequate in quantity for all sanitation and other domestic uses; be safe and desirable for industrial and commercial use; be adequate for fire protection service; and be available on an uninterrupted basis with a minimum of fluctuations in pressure.

2. Gross revenue from those using the service should cover all operating and maintenance expenses, all fixed charges on capital investment, and the development and perpetuation of the system in connection with sound technical and economical principles.

3. Funds of municipally owned utilities should be maintained in separate accounts from those of other municipal or governmental agencies or functions and not diverted to uses unrelated to the public water supply

(reasonable payments in lieu of taxes or for services rendered may be made).

4. The system of accounting should be based on sound and recognized accounting principles and conform to the legally established system of accounting prescribed for the utility, if any. In the absence of a legally prescribed system, the system should be based upon the latest NARUC [National Association of Regulatory Utility Commissioners] system for water utilities with such minor modifications as may be required to adapt that system to the circumstances of the particular situation.

5. Rate schedules should be established or recommended which are designed to apportion equitably the total cost of water service among all classes of consumers and types of service.

6. Charges should be based on metered use and such fixed charges as are required. Rates may also include charges based on demand, load factors, fire use, peak rates of use, seasonal use, and similar items.

That these objectives are obtainable has been proved in thousands of communities in our country. The sale of local bonds for the construction of such systems and for system expansion is not only possible but desirable. It is the hope of water utility men that this situation will continue and that the standards of design and construction of the systems will be maintained according to the established practices of the industry.

## **Rural Water Systems Defined**

As far as water utility men are concerned, rural water systems are those serving sparsely populated areas which do not come under the definition of urban water systems proposed above. Inasmuch as these systems are intended to perform a similar type of service as urban systems, it is important that the quality of their design and construction be equal to that required of urban water systems. Although the sizes of pipe need not be comparable if fire protection is omitted, a decision to include or exclude fire protection must be made on an individual system basis by qualified consulting engineers after a thorough review of the factors involved. It is recognized that exclusion of fire protection in the system design will permit the installation of more distribution pipe and, therefore, the serving of additional rural homes.

In certain strictly rural areas where dependable individual farm water supply cannot be developed and where local financing for public systems is not available, there is an apparent need for financial assistance and encouragement. An example is the problem created by the present severe water shortages in Addison County, Vermont. In that county, engineering consultants have planned to install 80 miles of water mains to serve three contiguous rural areas which have formed a water district. This will permit construction and operation of a water system to distribute water from Lake Champlain to the dairy farms, which are the sole economic mainstay of the area. As presently planned, I understand, the system is designed to serve only 1,600 people and 7,000 cows. The financial help proposed in S-1766 and HR-5076 would, of course, be a real lifesaver for these people.



Other similar situations exist in our country. I am certain that the sanitary engineering offices in the various state health departments could readily identify those areas, as they are aware of the towns which have been providing city water in tank loads to the farmers.

In S-1766, rural areas are defined for the purpose of water systems as including "any area primarily engaged in or associated with agriculture and not having a population in excess of 5,000 inhabitants." This definition conflicts directly with our concept of an urban water system, as the bills do not make a sharp distinction between "consolidated communities" and strictly rural areas. And such a distinction is important because practically all of the consolidated communities in the United States of 1,000 population or more have public water systems at present. It is rare indeed for a community of this size to be without public water service and, in those unusual instances, plans are usually underway to provide public water systems.

That the majority of consolidated communities of 500 to 999 also have water systems is shown by reports from some of the states. In Michigan, for example, 56 percent of towns of less than 1,000 population have public water systems. And most of those that do not have systems fall below 500 population. In California, only 53 communities in the 500-999 population group do not have public water supplies, while in Georgia all municipalities with population in excess of 500 have public water systems. Similarly, the U.S. Public Health Service reports that only five communities in Kansas, three in Idaho, and three in Nebraska with populations of 500 or more do not have public water supply systems.

These statistics clearly indicate that the great majority of consolidated communities with populations of 500 or more currently have public water service. I am also certain that towns in this population category which do not already have systems can obtain local financial credit to construct them if the local officials have a genuine interest in doing so, as thousands have done so in the past.

Currently, many communities with less than 500 population also have public water systems. And almost always such systems have been established by local endeavor and local financing, and have been made self-sustaining.

Referring once more to Vermont, I would like to point out that even in that state there are more than 100 communities of fewer than 500 persons served by public water systems. As far as water systems are concerned, it appears obvious that consolidated communities of more than 500 population should be eliminated from consideration under either S-1766 or HR-5076. They have demonstrated the fact that they can take care of themselves, and the possibility that they can also take care of surrounding rural areas should not be overlooked.

At any rate, it is hoped that certain criteria will be established as safeguards for the wise use of funds made available for rural water systems. These criteria should include requirement: (1) that a *need* for a rural water system should be a prerequisite to providing financial assistance; (2) that the quality of construction and materials used in



such systems should meet or exceed the standards of AWWA to assure a sound investment; (3) that water districts should be formed to administer and operate the completed systems; (4) that the systems should be capable of supplying all the water the customers need, when and where needed, based on the sale of water through meters at realistic rates; and (5) that the operation and maintenance of the systems should be established on a financially self-supporting basis.

I believe that establishment of these criteria will help assure the accomplishment of the stated purposes of the legislation.

There is a need for government assistance to develop rural water systems in such instances as Addison County, Vermont, where water service is essential to the economic survival of the area, and where the system development cost is out of reach of the farmers.

Because a clear distinction between rural and urban areas is not specified in the bill, its provisions, however, may be applied to consolidated communities where a public system is attainable entirely through local effort and financing. Such a misapplication of the intent of the bill would have a detrimental effect upon local initiative, would encourage a multiplication of unnecessary cases, and would force the Federal Government into an expanded, costly program for water system development.

Misapplication of the intent of the bill can be prevented only through the careful defining of areas that can qualify for financial aid, and by rigorous administration of the program. It would not be proper to deprive needy rural areas of financial assistance for water supply. At the same time, it would be equally unfortunate to encourage local consolidated communities which have the capacity to finance their own systems and improvements to turn unnecessarily to the Federal Government for help. Thank you.

MR. VANDERGRIFF: Of course, Mr. Graeser is one of our most distinguished Texans, and he is President of the American Water Works Association, which indicates the regard that that association holds for him. The Commission appreciates his testimony very much.

Do we have anyone else who would like to make a brief statement to the Commission? Apparently not. In the short time we have left, Commission members may direct any questions to Mr. Burger, Mr. McGrew, or Mr. Anderson.

## QUESTIONS BY COMMISSION MEMBERS

MR. JOHNSON: *I am not at all clear on this particular point: In a county such as Dallas County, as shown on your sketch of 1940, who tends to the practical aspects of public administration prior to the time the areas are absorbed and annexed by city?*

MR. BURGER: May I ask Mr. McGrew to answer that, as he has been closer to this situation?

MR. MCGREW: For all practical purposes such a county has no control of any kind. Now it is true that under the annexation laws of 1963, our cities of 100,000 or more do have extra-territorial jurisdiction, which ranges from as little as one-half to as much as five miles. While this sounds good, in theory and in actual practice these cities have firm control only when a city controls utility services. Where the city does not control the utilities, particularly in counties where you have to just drive a stake in the ground to get water, it is difficult for a city to exercise control. Even though these opportunities for controlling bad situations exist in theory, there is some uncertainty about the territorial powers granted under the present law. We do know that the cities do not have control of the utilities, and it leads us to believe maybe they are not quite sure about their powers, except for voluntary control, or control from the utilities. Certainly there is no effective control on the part of our county governments.

MR. JOHNSON: *Thank you very much.*

MR. DEGROVE: *Mr. Anderson, doesn't the State of Texas' Constitution call for 100 percent assessment?*

MR. ANDERSON: The Texas Constitution contemplates 100 percent assessment. This is not attained in practice, and you could have wide variations by single classes of governments; for example cities or counties or school districts.

MR. DEGROVE: *How do they decide in areas as to improved and unimproved real estate?*

MR. ANDERSON: It is a difficult question to answer. With respect to the improved and unimproved, the ratio varies somewhere between possibly 10 percent or slightly less, up to 75 percent and 80 percent in a few jurisdictions.

MR. DEGROVE: *Market value?*

MR. ANDERSON: Of market value. Improved property tends to be underassessed. I think that is a fair statement.

MR. DEGROVE: *Do you suppose that if assessments were somehow brought up to 100 percent assessments for both improved and unimproved real estate, the burden of taxes would be heavier for those who need relief least, or would it be laid on those who could afford it better?*

MR. ANDERSON: I don't know that I can really answer your question. I do think that more intensive studies of unimproved land taxes should be made and brought into utilization, thereby resulting in perhaps more orderly development. I would hesitate to make a statement on improved and unimproved assessment.

I think, as a practical matter, Mr. McGrew might want to comment on this, as he is more knowledgeable in the tax field than I.

MR. MCGREW: It seems to me there is a very definite resistance to attaining 100 percent evaluation in Texas, as in other states. We have seen assessment reach full value in some states in recent years, but think that as a practical matter it may be quite difficult to get full evaluation assessment on either unimproved or improved property.

MR. DEGROVE: *Why do you suppose 100 percent assessment is experiencing resistance?*

MR. MCGREW: One reason is because those to whom 100 percent assessment would apply would foster other forms of taxation. I think one thing you have to keep in mind is that assessment of property is by no means a scientific field. The very best system of assessing is going to result in a probable range of 10 percent; you are trying to get 50 percent and you are going to get a range of 45 percent to 50 percent or a range of 40 percent to 60 percent; and so, obviously, the closer you get to 100 percent the better off you probably are.

When you try to get 100 percent you are going to assess somebody 110 percent, and this leads to serious legal problems. At home, we know, perfectly well, isn't worth more than the property can be sold for.

MR. DEGROVE: *Thank you.*

MR. BAKER: *Mr. Anderson, you raised the point of assessed valuation at the highest and best use market value. In doing such, you create the kind of problem in which you have land which might be of the highest and best use as industrial or manufacturing, yet it is used perhaps as grazing land. And because of the location, probably, for industrial purposes there may be a fraction of 1 percent or 1½ percent per year available for this use. You assess the land at its highest and best use, but this land may not be developed for 10, 15, or 20 years. You are almost forcing the property owner out of business. He has to dispose of the land because he can't generate profit from his land to make it pay the taxes.*

*I am wondering if this could be handled at the state level, and I would like your comment on that.*

MR. ANDERSON: Well, I certainly recognize that what you say is a real problem. We have had this evidenced with respect to agricultural land in urban fringe areas where, obviously, the use of the land — the highest and best use of the land — is not farming. Yet, there is a strong propensity to keep this land for some agricultural use, and what this leads to is pressures away from assessments and fixing values in terms of highest and best use.

We have constitutional amendments and statutory provisions designed to provide for exceptions to this case. I recognize, sir, what you say is true — that it can create difficulties where property cannot be developed for a number of years for its highest and best use.

MR. BAKER: *I was keenly interested in your map showing the communities of Dallas and Fort Worth. The question comes to me immediately: Who is responsible for sanitation and solid waste and trash disposal, which is an ever-increasing problem? We create one and one-quarter pounds of trash per day per person. This is consistent throughout the Nation. Does each local government have its own trash disposal system? What is the system used here?*

MR. MCGREW: It is a municipal function. There are some places in the state where municipalities have gotten together, and some places where the counties have cooperated, at least in provision of dumps. Essentially it is a municipal function.



MR. BAKER: *In terms of solid waste?*

MR. MCGREW: Yes.

MR. BAKER: *In terms of sanitary facilities, treatment plants by use of joint powers?*

MR. MCGREW: In some instances we have joined together to provide the treatment and collection plants from all of the entities concerned.

MR. BAKER: *You do have such programs?*

MR. MCGREW: We have had municipalities join together and construct sewage treatment facilities. We have had some instances where river authorities and similar regional-type specialized government agencies have provided regional facilities.

MR. BAKER: *Does the county participate in that?*

MR. MCGREW: To my knowledge, no.

MR. BAKER: *Do they have authority to do so?*

MR. MCGREW: A questionable authority in this area, I would say. Now the question of what a county can and can't do is sometimes a matter of opinion. The normal Texas rules say that a county can do only what it is specifically authorized to do by statute.

I cannot think of any county that has engaged in this field directly; this does not mean there may not have been. I am not immediately acquainted with it.

MR. BAKER: *Do you feel if it were given the authority to perform this function it would curtail the kind of problem which you have just described?*

MR. MCGREW: I think there are many areas where, if a county has the authority to act and would act aggressively, we could stop the problem of unplanned proliferation of urban services on a piecemeal basis.

MR. WOODBURY: *Mr. Burger and Mr. McGrew, what about public school organizations in Texas? Has there been a decline in the number of school districts?*

MR. BURGER: Yes, there has been a decline, as I think you find taking place all over the country — a rather continuous decline in the number of school districts, but not enough to satisfy some of us who would like to see a substantially greater decline, particularly in the metropolitan areas. When it comes to revision of local governmental structure in the interest of efficiency we must say in all honesty that the educators have a much better record than anybody else.

MR. WOODBURY: *To what do you attribute this local decline and moving in this direction, while the rest of the structure has increased?*

MR. BURGER: I am speculating a little bit, but I think probably because the schools are very close to people, and when you can definitely demonstrate to them there is an advantage to their children in a school consolidation, that carries a great deal of weight. In addition, of course, we have vested our State Department of Education with some powers held by no other State agency or municipal special district. This, in effect, forces consolidations where schools become dormant, or where they cannot become accredited.



I may say that our experience in Texas is that this works pretty well until you reach the point where you have a high school involved. Where you have a high school involved — particularly if it is supporting a good football team, basketball team or any such team — you are getting to the situation of trying to move graveyards.

MR. VANDERGRIFF: Are there any other questions? Then may I thank J. R. Wilk for the use of these fine facilities, and Dr. Wolfe and Dr. Stevens, who assisted us in the physical arrangements. I think perhaps that I should return the microphone for a closing word to Senator Douglas. We have been fortunate to have you and the Commission members in our midst.

MR. DOUGLAS: I know that I speak for all members of the Commission in thanking the witnesses who devoted their time to preparing the papers they have brought for us. We want to thank the administration people of this branch of the University of Texas here in Arlington for their kindness. Most of all we want to thank the Mayor of Arlington for being such a gracious and considerate host.

(Adjournment.)

# Miami

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Commission Members Present: CHAIRMAN PAUL H. DOUGLAS, DAVID L. BAKER, HUGO BLACK, JR., JOHN DEGROVE, JEH JOHNSON, RICHARD W. O'NEILL, COLEMAN WOODBURY

*The Commission, in pursuit of its assignments to study housing supply, land use, building codes, taxation, and codes to maintain minimum standards in the existing stock of housing, was interested in finding ways to increase effective local control over these matters. This necessitated a hard look at local government structure. Experiments in local reform at Miami-Dade County and Jacksonville-Duval County in Florida, and at Nashville-Davidson County in Tennessee, were the focal points of the Miami hearings on governmental structure. The Cuban refugee relief program was discussed from the standpoint of lessons applicable to America's own "urban refugees." The last afternoon of the two days in Miami was devoted to housing programs for low-income families.*

*Everglades Hotel  
Miami, Florida  
Morning, August 25, 1967*

## LOCAL GOVERNMENT CONSOLIDATION

MR. DOUGLAS: We are very happy to be in Miami. We certainly do appreciate the presence of two distinguished Floridians on our Commission. Mr. DeGrove, who has never missed a single meeting of the Commission, and has been extremely helpful; also, our good friend, Hugo Black, Jr., distinguished son of a distinguished family. They are going to help chair the public meetings today and tomorrow. We are very happy also to have Mr. Hester, who is Executive Director of the Duval County Local Government Study Commission. That is Jacksonville; isn't it?

MR. HESTER: Yes, sir.

MR. DOUGLAS: They have just put through some form of metro government, to our great surprise and to the pleasure of most. I am going to ask John DeGrove to introduce Mr. Hester to you.

MR. DEGROVE: Thank you, Senator. It is a pleasure, on behalf of Hugo and myself, to welcome you all to Florida, and we hope we will

have a pleasant stay. The hurricane won't produce too much excitement. I'm just teasing. I don't know that there is one.

You may be interested in the fact that in Florida in the last two or three years there has been something of a rash of reorganization studies in almost every metropolitan area in the state. In fact, with only one exception, and that is Broward County. I will not undertake to explain this exception; I will just identify it.

The staff for one of the studies was headed up by Mr. Hester. This was a study of the reorganizing of government in the Jacksonville-Duval County area.

Mr. Hester's background for this is appropriate. He has a Master's Degree in Public Administration from Florida State University and worked for the U.S. Labor Department before he came to this task. He had the rather delicate job of working with a commission that had 50 regular members — I don't want to steal your talk — and, as I remember, 30 sort of auxiliary members — Anyway, about an 80-man commission. I worked with him a little bit on that study, and I spent a little bit of time in Jacksonville, attempting to propagandize, we might say, in favor of the proposal.

I wish, as a political scientist, I could say that I confidently expected the victory that the reorganization proposal put forth by Lex's Commission enjoyed. But I did not. I was quite certain, in fact, that it would not win, particularly in view of the Tampa experience three weeks earlier, where it was soundly defeated. And I am curious — and I know you are — to know something about this new consolidated government in Jacksonville-Duval County — how it came about, and maybe Lex's assessment of how this thing won at the polls, which it did in a very impressive fashion — almost two to one.

So, it is my pleasure to introduce to you J. A. "Lex" Hester, the executive director of that study commission, who will tell us a little bit about it.

## STATEMENT BY J. A. HESTER

**MR. HESTER:** Before I get to our specific story, I would like to make just a couple of opening remarks. When we first started on this thing, my first remarks at the time were that our goal really ought to be to put an end to "government by crisis." I still think that that is the same problem that we have on a nationwide basis. In all of these urban problems — and most of our governmental problems — we are always approaching it from the curative aspect, rather than the preventive.

We now see a crisis across the Nation in the urban areas. We generally see this associated with the great megalopolises — Detroit, New York, Philly, and San Francisco — the very large cities. We are talking about pouring millions of dollars into these areas to rehabilitate slums and open up job opportunities. And although I see a great need for this money to go into these areas and for cures to be found, I am not

optimistic that we are going to solve the problems, even if we have that kind of money to pour into these areas, because I think we are really approaching them from the wrong end of the scale. We ought to be working down at the lower level, at the smaller end and working up.

One of the problems that the great megalopolises are confronted with is that, as you increase the opportunities, you also increase the influx — the inflow of the poor, of the disqualified, of the ethnic groups that are completely underprivileged and undereducated. So, it seems to me that if tomorrow we were able to take New York, for instance, and give everybody there now unemployed a job, we would suddenly see a massive flow from the South and other rural areas to replace these people. And so we are going to have an unending problem, and there is just an unending amount of money that can be poured into it.

Really, where we ought to be directing our attention is back at the smaller communities, back in the rural areas, where the people are not getting the education, are not getting the economic opportunity.

In our part of the country, in the South, every young man plans to go to the North, to one of the big cities and make his fortune. One of the things that discourages him is that there are already so many poor people. He often gets there and comes back. But, if there were more opportunity, he would stay there, and thus there is this endless problem.

## **Urban-Rural False Barrier for Problem-Solving**

I think the distinction we make today between urban and rural is an artificial barrier that we throw up. Today, with our mass communications and our rapid transit, and so forth, the difference is not what it once was.

We talk about low-cost housing, which is often unrealistic in any organized areas, because of high land costs; but out in a smaller community, it can be very meaningful. So, if we could bring industry and job training to the people in the smaller communities, there would be much better opportunity to solve these problems on a nationwide scale. Our thinking is simply not keeping up with our technology. In the last 30 years, our technology has run away, but we have still remained backward politically.

Now, I will consider my area — Jacksonville-Duval County — a medium-size area. Actually, we are an area of about half a million people. We have all the classic symptoms of urbanization problems. We have a little core city of 200,000 people, which was the City of Jacksonville. Around that city, and basically since World War II, we have expanded to the half million. In other words, we have grown by 300,000 people. The last major annexation to the City of Jacksonville was in 1932. Since that time, the city boundaries have remained pretty constant, and the population relatively constant within the city. The 1940 census showed we had 170,000. Today the City of Jacksonville has only 195,000; so you can see that all of our growth is in the suburbs.



I notice in one of your own directives, you talk about making cities more livable. Yet people have decided that cities are not livable, and they get out of the city. With our means of rapid communication and transportation, there is no reason why they cannot get out of the city. Really, we ought to be thinking of some way that they can be out of the city, and yet get them into the city for work, for shopping and financial purposes, and so forth. If we took areas that are sparsely populated at the present time and developed in them planning for mass transit, zoning, building codes, and so forth, before the suburbs get there, think of how much cheaper it would be. And it should certainly be possible to do these kinds of things. Once you have a city actually sitting there, the problems becoming insurmountable.

In the South, particularly my city, since 1950 has been ringed by what I would call low-cost housing; suburbs financed through VA and FHA loans. Already many of these areas are slums. Every third house has a repossession sign on it. They were often built with low-grade materials. At least most of our big city slums are 50 years old before they begin to deteriorate.

But this low-cost building is sometimes ironically encouraged by over-restrictive building codes. Some building codes are so restrictive that they take all the imagination out of building. This is a symptom of so much of our political process — it lacks imagination and flexibility. We need to put imagination into our political life, as well as in other phases of our life.

Now, I told you that our area has the usual metropolitan population characteristics. We tried annexation in 1963 and 1964, and we had the usual inside-outside vote requirements. The city voted for it heavily. Outside the city, they turned it down by rather wide majorities. Thus, there still was obviously a great need to do something in the urbanized areas of the county. That need was probably more evident in our area than usual. During the last couple of years our public schools have been discredited. In our crime rate, we made the Top Ten. It happened that 10 or so of our officials were indicted; and everything went wrong at the same time. We happened to be the first county in the State of Florida that assessed property at full value, and perhaps that is probably the best thing that ever happened to Duval County, because people began to realize that we had a government. It brought 50,000 homeowners on the tax roll for the first time.

## **The Duval County Study Commission**

In 1965, our Legislative delegation appointed a 50-member Commission. Now, you might say, "My Lord, what an un-Godly size," and it was indeed an enormous thing. It is very difficult from an administrative standpoint to work with such a large body. The size was a political compromise. It turned out that the delegation could not agree on appointments; so they said they would each appoint a handful. That accounted for the size. Well, we got to looking at the size of

this Commission. We looked down these 50 names and it happened to be a pretty broad cross-section; so, we said there ought to be some way of utilizing all this leadership. Instead of bringing in a professional firm, we decided to do the study ourselves. The major reason was to actually involve these 50 to 80 people including the Advisory Committee in doing the work of the report. We wanted to make it more than a usual Chamber-of-Commerce-type thing where you attend a couple of meetings and the report goes on the library shelf. We thought if we could get a little sweat out of these businessmen — if we could involve them — that when it got down to the political phase that has failed time after time all over the Nation, maybe we would have somebody to stand up and be counted.

Well, we think it worked. We won a referendum on August 8th. I was told to speak about dispelling the pessimism that so often surrounds any type of governmental reform. I don't know whether I can dispel that as optimistically, perhaps, as hoped. I am very disappointed to say that our existing political leadership was very, very hidebound, and as I see the possibility of gaining reform through normal political outlets, it is very remote.

## **Opposition to Metro Government**

We got almost no support from our local political leaders. In a sense, you could say our movement was outside the established political process. It was really our business community and our civic leadership that provided the impetus for reform.

In our charter, for instance, we bent over backwards to make every possible guarantee to public employees. We guaranteed their job rights, their Civil Service rights, their pension rights and their existing salary rights. Now, if you can think of something else you can guarantee public employees, you tell me what it is. Yet, when we got into the political campaign, the politicians got all the public employees and told them they were going to lose their jobs and pensions and going to be out on the street, and these people are still probably in a state of anxiety.

I would say our major opposition came from public employees; and yet in the long run, public employees will get expanded job opportunities and it will mean greatly expanded opportunity for them. But we had no access to them because the office-holders are the ones that are over them; so we could not call them together and give them the facts, so to speak. We tried to deal with the politicians but to little avail.

The most difficult stage we had was getting it through the Legislature. It happened we were very lucky. We had an ancient constitutional amendment which allowed us to have the consolidation. However, we had to have our Legislative delegation approval on the referendum — and what a fight! You talk about a body subject to the political wind, boy, any public local official that showed up in Tallahassee wanting an amendment got it. They put it in the charter and we got a "passel"

there that have significantly weakened the charter, although it gives us the basis to move ahead. We think we can straighten these out. So, we knocked ourselves out, but the thing that discouraged me the most was, despite all these amendments, the Legislative members said, "Well, this will pick us up increased support." The vote didn't work out that way at all. The special interest groups forced the amendment. They got the amendment, and then they still fought like hell to defeat the Charter as a whole.

## Full-Scale Political Campaign Won Victory

Now what did we do that was different from all the other proposals that have failed elsewhere in the country? What we did was, we ran a full-scale political campaign. So many of these (and Tampa is a good example — they just lost a referendum three to one on a similar type of governmental consolidation) that have failed have not had the benefit of a full-scale political campaign. We studied these movements all over the country: What invariably happened was a spirited citizens' group, and a few people went around and made some civic speeches and thought they were doing fine because they were talking to their friends. Then, in the last two weeks, suddenly this monstrous opposition comes out of the woodwork and beats them on the ground, three to one.

From the outset, we waged a vigorous political campaign. There were billboards, television, newspapers — you name it, we did it. All these businessmen who were on the Commission, we went around and we got them to contribute money for that campaign. We didn't leave a stone unturned. Sure enough, we got that kind of opposition. It is interesting that you are here in Miami. Actually, what we were having to defend was the Metro Government.

They branded our plan "Metro." All their billboards said, "Vote no on Metro." Then underneath, they said, ("They call it consolidation.") It so happens that Metro, as it is known in Miami, is akin to Communism in my part of the State. My part of the State is very, very conservative. They don't understand Metro, but they think it is a very sinister thing.

So, our opposition tried to make it appear that this was what Miami had. Actually, personally, I am quite impressed with what Miami has done. It did a tremendous job. But for political purposes we took the other out and said, "This is not what Miami has." Although, as I pointed out to you, the Charter has a number of what you would call, from the theoretical standpoint, weaknesses in it, none of these were attacked by the opposition.

The political attacks were always on false issues. One showed octopuses grabbing up your home and schools. Another was ladders showing a consolidation as one rung from the top on a ladder leading to Communism.

MR. DOUGLAS: *Do you mean to say that civil servants charge governmental consolidation as being Communist?*



MR. HESTER: No, I would not say civil servants. I would say that out in the front of our campaign were extremists. I guess you would call them Far Right.

MR. DOUGLAS: *But the civil servants backed them up?*

MR. HESTER: That is right. That is where the real muscle came. But in the front rank was the spokesman, I guess what you would call pretty Far Right. So, I think there are two things that you might learn from our referendum: one, that you have got to get increased civic involvement; two, that you almost have to bring about these reform movements from outside the existing political officialdom. It just seems to be hopeless to get existing politicals to vote to abolish their jobs; you have seen it time and again on reapportionment in state legislatures.

We had the support of almost the entire business community, and we fought the campaign just like a full-scale political campaign. I think there is no other way you can do it. To add one point of optimism, though, I believe you can accomplish any kind of governmental reform, if you do it through a citizens' movement and come up through the back way. I say this because the public, in general, is quite uninformed on government. If we went out today and polled people on the street on what their local government was about, they wouldn't know. So, the man-in-the-street is quite open to any type of educational program. I mean, if you can convince him that a program is a good thing, I think you have a chance of his going to the polls and voting. I don't think the man-in-the-street is nearly as wedded to an existing system as is the politician. I don't want to downgrade officials, but they have an audience and they have one outlook. But that audience is probably 5 percent of the population; so you have got all that huge mass out there that you can get to, if you have something that is good, that stands on its own merits.

We don't think our program is going to be a cure-all, but we are very optimistic for it. We will now be able to plan for where our mass transit goes, to extend our building codes to meet the problems before they get there, not through the old route of annexation, where you have all the headaches before you start the cure. Now, maybe we can plan in advance of the problems.

We talk about setting aside recreational areas. Well, logically, if you have large areas to draw from, it is much easier to do this kind of thing. I think we really need to open our horizons, come up with new imagination. I think too often commissions like yours get into, more or less, a fact-gathering or data-accumulating agency. You bring it all together, which is a very useful kind of thing, but I think you need to define the problem in a new light and come up with new ideas. We don't have to be wedded to what we had 50 years ago. The only test of local government is its flexibility and its ability to solve local problems at a local level. Thank you very much.



## QUESTIONS BY COMMISSION MEMBERS

MR. DEGROVE: *Now we shall have some questions. First, Lex, let me ask you one, to make clear the details of exactly what you did. Just in one, two, three order, what kind of a governmental structure did you vote in, what kind of council, what kind of executive?*

MR. HESTER: We went to a traditional mayor-council form of government. In Jacksonville there was none like it; we had a City Commission, a City Council and a Mayor, which was supposed to be the ultimate in checks and balances. But, it did not work out that way.

Our new government will have a mayor-council form of government. We tried to make it a strong mayor. I guess now you would call it a weak mayor, because the Legislative delegation put back in a number of elected officials: a tax assessor, a supervisor of elections and a civil service board, and so forth. These people should be appointed professionals. But this was one of the political compromises in our community.

We have five municipalities. We have only one real economic center. All economic life centers around the City of Jacksonville. We have three little resort cities at the beach, and then we have one very little rural community in another part of the county; so, we were very lucky in that respect, that we had only a small number of existing municipalities. As you might guess, we got some of our most vocal opposition from them.

We tried to get the Legislature to make it one over-all county vote. The Legislative delegation members all had to run in the spring, and during the heat of the campaign, to gain votes from the smaller municipalities, they promised that they would give them the right to vote separately, which they did, and the smaller municipalities voted to stay out. Here, the mayors at the beach kind of snookered us. They made so much noise that we were afraid we were going to get hurt county-wide; so we only fought the first issue politically, allowing the rest of the county to consolidate. We let the last one go — option of the smaller municipalities. In retrospect, after our two-to-one victory, if we had known it was going to be like that, we would have tried to get them to come in all the way.

MR. DEGROVE: *Did the chief administrative officer authority stay in? Can your Mayor hire?*

MR. HESTER: Yes, that is right. He can hire an administrative assistant. This chief administrative officer is not, in a sense, a city manager or county manager. His duties are not defined that broadly. In other words, he is just listed as an Administrative Assistant to the Mayor. We hope he will work into a professional type of position.

MR. DEGROVE: *How do you elect your Council?*

MR. HESTER: Fourteen by district, five at large. This is kind of a departure from theory. Nationwide, theoreticians prefer at-large elections. It so happens that probably the most popular aspect of our new theory was the district elections. The reason for this is that we have had some rather significant bloc voting. We have a rather large Negro

population inside the old city limits. The Negroes vote in a bloc. They usually go together, and everybody has long believed that this vote can be bought. It has always been thought that if you can get the Negro vote, and the city and county employees, you could win elections in our country. So, everybody wanted district elections. It was even popular with the Negro community, because it assured them of seats.

MR. DEGROVE: *So, you kept all of your seats by district?*

MR. HESTER: No, 14 by district, five at-large; a 19-member council.

MR. WOODBURY: *How significant are these suburban areas that are outside?*

MR. HESTER: About 4 percent, 22,500.

MR. MANVEL [Commission Staff member]: *Two questions. Could you give a thumbnail description of devices built in here to recognize the varying degrees of urbanization as to taxation? Secondly, some comment perhaps on the attitudes that might have related to race, especially within the city, on the voting and the relative position of the colored community?*

MR. HESTER: On the tax, we are much like Nashville. There will be an urban services district for taxing for strictly urban services.

MR. MANVEL: *And this area can be adjusted by Council?*

MR. HESTER: It can be adjusted by the Council; that is right. All it takes is a majority vote of the Council to expand the urban services area. Then in addition, there is the Service District for schools and general functions, which everyone will pay a tax for.

MR. WOODBURY: *How significant will be the differences between taxes in the urban services and general services districts?*

MR. HESTER: The maximum for millage allowable for general services is 30 mills, and the maximum for urban services is 6 mills. We made a number of services that are traditionally thought of as urban services — fire protection, police protection, et cetera — part of the general services district.

The race question was a substantial issue in the referendum campaign. It happened that for the first time in the history of Jacksonville, in June of this year — two months before our referendum — three Negro candidates were elected to public office. We elected two Councilwomen and a Service Board member. The Negroes comprise about 44 percent of the population in Jacksonville but we received some very strong Negro leadership, and we actually carried the Negro precincts just as we did the white precincts.

MR. PELLISH [Commission Staff member]: *I am curious to know how you went over in the city. Did you offer them new services that they were not getting?*

MR. HESTER: Yes. Our greatest strength came from the suburbs that had voted against annexation, both Negro and white. It happens our betterclass Negro sections all voted three to one, four to one, for the consolidation. In fact, the only areas that we lost were extremely rural precincts around the county. We carried everything else inside and outside, but heavier in the suburbs.

The primary emphasis was on governmental reform. Everybody had been kind of disgusted with the politics in the county. Our opposition ran such a low-key campaign that they insulted the intelligence of the voter. I think people could clearly see the difference.

Taxes were a very big question, and I might say we may have been a little hypocritical here. We did try to say that it would save taxes. I do generally believe that it will significantly increase the value of the dollar, and that we will get a lot more value for the dollar spent in our area. There is a vast amount of waste in our area. For instance, in the City of Jacksonville, you compare what it cost to give a given service and we pay 150 to 175 percent of what other areas our size do. So, we think it will in fact result in saving, and so forth, but we hammered it very hard in the political aspect.

MR. PELLISH: *The question I am still after is the individual voter who is outside the original city line, who sees there is a lot of corruption in this large central city. What convinces him to be part of this kind of a mechanism if, in fact, he is in a smaller town, but he has a great identity with the people who are running this particular town?*

MR. MANVEL: *But, you see, this is the point he was making. This is not like the many situations where you have scads of little municipalities outside. Basically, the outside part — in a large part — was unincorporated. They were being "served" by the county government, but they did not have the separate, numerous little municipalities.*

MR. HESTER: Yes. It happens that Jacksonville is probably somewhat unique, you might say. Ninety percent of our leadership is in the suburbs, outside the city limits. This is where many of our men on the Study Commission came from. Thus it helped us a great deal, that all our leadership was out there in the suburbs. It became a civic project to reform the local government, and, of course, when you say "This evil thing" (referring to existing city government) that was their theory too, but we were able to show that we were scrapping this for a new Twentieth Century form of government. We heavily emphasized the partnership aspect of it — of our community responsibility for these poor areas inside the city. You might note we had tremendous support from the mass media, which is probably a tremendous support.

MR. DOUGLAS: *Was county government as discredited as city government?*

MR. HESTER: Pretty much discredited, primarily through its inability to act. We had a lot of luck in one respect. It happened that all the private water companies, of which there are 109, started arbitrarily going up on their rates, and everybody in the suburbs began to realize there had to be some answers to this kind of thing.

MR. DEGROVE: *Lex, this is the second successful consolidation in this century in this country, if my memory serves me correctly. There was some consolidation in the Nineteenth Century but —*

MR. MANVEL: *Well, that is a little understatement. Would you include Baton Rouge?*

MR. DEGROVE: *No, I won't. Not quite. That does not quite meet my criteria, but even if we include that, so as not to offend Louisiana, it*



*seems to me, listening to you, that there are two kinds of things that might account for your success.*

*One is that you ran a tough, hard-nosed political campaign to try to win support for your proposal. Reform groups are notorious for not doing that. That is true. But, there have been some who did that and still lost, hands down.*

*So, the other half of the coin is that you had a lot of luck. None of us are sure. But a lot of things combined, apparently, to give you an impressive victory. The contrast with the role of the media in other places is interesting to me.*

*Someone told me — and I don't know if this is accurate — that the Tampa papers did not really get behind the vote over there, that while they were for the consolidation, they did not wage the kind of vigorous support campaign that the news media in Jacksonville did. Is that true?*

MR. HESTER: Yes; that is true. The Tanipa papers did not give the support ours did. Tampa did theirs in two phases. One, they wrote a report — that was one citizens' group — and then with another group, they wrote a charter. But in the interim they lost a lot of steam. Actually, they won a constitutional amendment referendum, but lost a charter referendum held seven months later.

Well, we kept pushing ourselves all the time. After the report, we came right on top of it with the charter. We in a sense jammed it down the Legislature's throat. We were pushing all the time to build momentum. We tried to get a fever and hold it there.

MR. MANVEL: *Would it be fair, perhaps, to add to John's list of success factors this thing you mentioned: that you started from a background of, perhaps, relatively worse or more severe problems of inadequate local government than one would find in many metropolitan areas? For example, think about California. It seems to me that California properly has a reputation for more professional, more competent administration, perhaps, than most states, plus having more multiple, local, suburban municipalities. One can say that this makes it tougher to sell something drastically different, doesn't it?*

MR. HESTER: Yes, I think that is true. But, then, on the other hand, where you have more progressive government, you have more progressive-minded voters. In Jacksonville our average education level is 9.2 years. In California, you probably get into the first year of college or higher.

We found that we had least difficulty with informed people — that we were able to get to these people. As you go down the educational scale, you lack the access. You have no way of communicating with them. They are more prone to accept vicious rumors, etc. If you can just get to them, you may get them to understand.

MR. DEGROVE: *What percent of registered eligible voters turned out?*

MR. HESTER: 46 percent. That does not sound so hot, but it is enormous in our area, and for a referendum, it is unheard of.

MR. DEGROVE: *That is fantastic. I thought you were going to say 25, or something like that.*

MR. WOODBURY: *That was a vote only on the referendum issue?*



MR. HESTER: That is all. We worked very hard to get out the voters. We used our women's organizations to propagandize, and the TV and the papers. We worked on the aspect of getting out the vote as kind of a separate campaign.

MR. DOUGLAS: *How much did it cost you? What was the cost of the referendum?*

MR. HESTER: The political campaign was something over forty thousand.

MR. DOUGLAS: *How did you get it?*

MR. HESTER: From businessmen and from just plain citizens throughout the county.

MR. DOUGLAS: *Did you provide babysitters?*

MR. HESTER: Yes, indeed. We had hundreds of women.

MR. MANVEL: *Are you writing up your success story for The National Civic Review?*

MR. HESTER: Not yet. We just had our referendum on August 8, and, boy, I will tell you, you go 18 hours a day. You spin your wheels half the time, but I guess it is all necessary; so, I have been luxuriating (since the referendum).

## Implementation Push Necessary

MR. RYBECK [Commission Staff member]: *Mr. Hester, in the few consolidation efforts I have followed closely in Ohio and elsewhere, the supporters made use of philanthropic foundations at the beginning. The foundations' tax exemption then kept them from doing the very thing that you said was the secret to it — that is, making it a political process from the very beginning. So, would you say their failures may relate to the no-politics rule that goes with tax exemption, or to the use of outside "experts," or both?*

MR. HESTER: I don't know. Let me distinguish now between our report and the charter. Our report was prepared by a quasi-public body through State legislation and was financed with \$20,000 from the city and \$20,000 from the county and we had to raise \$20,000 from the citizens. We had \$60,000 to turn out this blue book, and after we turned that out, we took it upon ourselves to do the charter. I strongly feel that that is an important point. You need to go ahead and take the steps to actually implement report recommendations.

You ought to be able to hand them a bill that carries out your building code, or whatever it is that you recommend. Don't hand them a report that says, "We need a building code because we have got these problems." That is not enough. You have got to hand them the actual instrument that will do it, and then send somebody over there to see that it is passed. You cannot assume that any of these steps are going to be picked up. You have just got to keep going in the process.

Aside from the Study Commission, we formed a citizens group — Citizens for Better Government — and that is where we ran the political campaign through. And in both these phases, we used a profes-

sional staff, a small staff, which I think is also a key ingredient. You need some kind of direction and I don't think it pays you to skimp in this area. That is money well spent.

MR. BAKER: *What happened to the special district that provides the service in sanitation outside the city limits, or did you have such districts — if you had bonded indebtedness, how was that solved?*

MR. HESTER: Bonded debt remains where it is.

MR. BAKER: *Under the service area concept?*

MR. HESTER: By Florida Constitution.

MR. BAKER: *So, you did not have the problem of other individual entities of government, outside the city limits being incorporated in your charter?*

MR. HESTER: No. Just mosquito-control districts and an air pollution authority. We had a number of small — what you would call separate governmental entities — but a relatively small number.

MR. MANVEL: *And water supply would be supplemented?*

MR. HESTER: At the present time, there are 129 water plants, 229 sewer plants.

MR. MANVEL: *And they will continue private for the time being?*

MR. HESTER: For the time being. At the time, the people demand and the Council is financially able to, they can extend the urban services district into these urbanized areas. We did offer suburbanites one protection. We guaranteed that they would not have to pay for urban services until they got them, and we cannot just run them one service, and start charging them. The charter clearly says they must receive five services — sewer, public water, public garbage, street lights and street cleaning. They have to receive all five. They could still extend, say, just sewers and do it by a service fee basis, but they cannot do it through ad valorem taxes.

MR. DEGROVE: *I remember a feature of the original charter that impressed me. That was that you got the School Board separate, at least under your budgetary process and central budgetary review. Did you keep that?*

MR. HESTER: Yes. This turned out to be a tremendously hot issue. In fact, it is so hot that we are under sanctions because of it. We have an unusual, bastardized kind of situation in Duval County. Only two other counties in Florida have it. We have a Budget Commission that reviews budgets, and they can do it line by line. For example, they can say, "You have got one too many school buses," and so forth. They have no staff, and they are just another political body. This was very unpopular. Now, what we recommended was that since we had one Council, it ought to be able to review everything, that we ought to have one effective body for review so they should review the school budget, but not line by line. They might say we can give you only 60 percent of our resources, and you must take a million out of the budget. But this was such a hot issue that it was put on the ballot as a separate issue of whether or not the school budget should be independent. This failed, and the school budget will be under the Council.

Now, the Legislative delegation did one thing that we did not like. They put back the line item review, and in addition the Mayor can veto the school budget; so, we have a situation where the Council can actually tell the School Board, an elected body, how to spend their money — not only what they get, but how to spend it; which I personally do not favor. But I still think it would be best to have one body that looks at all revenues.

MR. SHUMAN [Commission Executive Director]: *I think you said in your original talk that there was 100 percent assessment?*

MR. HESTER: Well, this is by law, all over Florida.

MR. SHUMAN: *I see, and it is carried out properly?*

MR. HESTER: Well, the courts are just now enforcing it.

MR. SHUMAN: *What is the effect of that in your new setup? Is there any particular effect that a 100 percent assessment properly carried out will have?*

MR. HESTER: No, I don't think so. Florida is unusual in that we have a \$5,000 homestead exemption, and for many years, assessments varied. But now courts have got to tightening up on it, and everybody is now coming under full-value assessment. Once it is ironed out, this will probably be a vast improvement. I think 50,000 new homeowners for the first time paid taxes. Because we had a 40 percent level of assessment combined with the \$5,000 homestead exemption, anything under \$12,000 paid no property tax.

MR. SHUMAN: *Isn't that the point? In other words, by properly enforcing the law, you have added to your tax rolls?*

MR. HESTER: Greatly so.

MR. SHUMAN: *Which means another source of revenue, for revenues which are very hard to come by?*

MR. HESTER: That is right.

MR. SHUMAN: *What are the negative effects? Has there been so much kicking about it that it is going to be thrown out, or do assessors look the other way when 100 percent becomes 60 percent again?*

MR. HESTER: We are under court order to do it. In fact, this is happening all over Florida, and the only way it can be thrown out is at the State level, but people are fanatical on the subject, so much so that our entire Legislative delegation ran on a platform of this type, and all our delegation talks about is some method of ad valorem tax relief. The rest of the State, however, is not yet as concerned with it as Duval County. In some areas, \$15,000 or \$20,000 homes paid no taxes at all.

MR. DOUGLAS: *Well, was this not done to attract visitors? I think you had an exemption, as I remember, on inheritance taxes at one time?*

MR. HESTER: It is still there.

MR. DOUGLAS: *Yes, but it was knocked out by the Supreme Court. That was to hit the Palm Beach and Fort Lauderdale group, so you wanted to build up the West Coast by putting in a \$5,000 tax exemption on homes to attract the less affluent residents. Isn't that true?*

MR. HESTER: Yes, that is right. It was a depression measure that came in during the thirties.



MR. BLACK: *I was going to say the reason this fellow who is going to talk today — Mayor High — is not governor is because of reassessment.*

MR. DEGROVE: *Well, the citizens of Florida were in such a habit of underpaying property taxes that the new law has been such a great shock. So, comparably, we are not out of line even after the assessment. I would like to point out one other thing about Jacksonville. It operates one of the largest municipal utility plants in the country and realized — in the old City of Jacksonville — two-thirds of the funds from its general revenue profits from this utility operation.*

MR. MANVEL: *This is a thing that I think most members are interested in, and I would agree. It is an unusual level, and yet this is a fairly common practice in the South. It helps to account for what is otherwise a mysterious phenomenon — a relatively low rate of taxation with the use of a fantastically high excise tax through utility charges.*

MR. DOUGLAS: *Are the light rates higher than in other areas served by other agencies?*

MR. HESTER: Rates are roughly competitive. However, utility rates in Florida are generally high as compared to other rates of the country, but there are some factual reasons for this: transportation, cost of the fuel, and so forth.

MR. WOODBURY: *I did not catch in your talk the proportion of the suburban population that you spoke of that voted so heavily for your plan. How large is it in proportion?*

MR. HESTER: One and a half times as big as the city's.

MR. RYBECK: *In your preliminary remarks, you mentioned that there is a real distinction between that low-cost housing, which is a meaningful thing in the suburban areas, and expensive housing in the central city. Yet, one of your arguments for metropolitan or county-wide government — modernized government — was that you could bring to bear the city approach to housing, so you would not get such poor-quality low-cost housing that it falls apart. What do you mean?*

MR. HESTER: Well, I think you can have low-cost housing that is not of poor quality. I do not associate poor quality with low cost. The main thing that prevents low-cost housing in the city is land costs.

MR. RYBECK: *I was hoping you would make that distinction.*

MR. HESTER: In metropolitan areas, because of land costs, you have to build high-rises. Experience has shown that if you put these people — no matter what kind of house — all stacked in crowded conditions, you still have a lot of problems.

MR. RYBECK: *I did not want to leave the impression that it was the building code that made it high-cost housing.*

MR. HESTER: Oh, no. Definitely not.

MR. DEGROVE: I think we have come to the end of this particular part of our program. Now, we do have a business meeting of the Commission, before we resume our hearings later.

Lex, we want to express our appreciation to you for coming.

(Adjournment.)



MR. DOUGLAS: Ladies and gentlemen, Mayor High has to leave at about 1:35, and I know he will want you to finish your lunch. But we are going to get things under way, so that he will have more time.

In true political style, I am going to introduce the man that is going to introduce the man. I have known Hugo Black for a long time. He and my son were classmates at Yale Law School, and his sister and my daughter were great friends. We have known the Black family for many, many years and admired them.

I think Hugo's father is one of the great men in the history of the United States. I knew him first when he was a marvelous Senator from Alabama. We have all followed him with great approval since 30 years ago, when he became a member of the United States Supreme Court. I don't want to take up too much time, but when Justice Black was appointed to the Court, a great many scholars were dubious about it. I don't think he had ever been to college. His judicial experience has been as Police Court Magistrate for the City of Birmingham, and a lot of the people spoke about the degradation of the Supreme Court in having this untrained man appointed to the Court.

Justice Black has turned out to be one of the deepest scholars that the Court has ever had. If you read his opinions, you will find that his knowledge of constitutional history and of the points involved in the first 10 Amendments to the Constitution, and the Fourteenth Amendment to the Constitution, and the degree to which the Fourteenth Amendment really enacts the first 10 Amendments into the practices and laws of the state — doesn't merely shunt them off into the field of Federal action — has been, I think, one of the great contributions in judicial history. When the history of the Supreme Court is written, Justice Black, along with John Marshall and Earl Warren, will, I think, be regarded as one of the three noblest, best Justices.

His career is an inspiring one. Hugo, I am surrounded by experts who dislike politicians, and I have to remind them from time to time a politician can learn and can develop, and that your father and Earl Warren are supreme examples of this.

It has been marvelous over the last 25 years to see Hugo, Jr., develop. I think he is not only a "chip off the old block," but he is the old block himself. It is a fine thing for Florida to have him come to Florida. It has been splendid for us to have him as a member of the Commission.

We will keep politics out of this, Hugo, but I think it is not a secret that you are quite a supporter of Mayor High. I have been an admirer of Mayor High ever since he took on the duPont family and Ed Ball. I have been trying to take them on in some ineffective fashion up in Washington. They did not have too much strength in the State of Illinois, so it did not hurt me too much, but the Mayor took them on right here in Florida. I want to pay tribute to him.

Now I want to introduce a great American, a member of a marvelous American family, Hugo Black, Jr.

MR. BLACK: Senator Douglas, Mayor High. Thank you very much, Senator, for the privilege of introducing my good friend, Mayor Bob High.

When I came to Florida five years ago, I had the privilege of meeting Mayor High at the duPont Building drugstore where he — I don't know where he found the time — used to go down there about 10:30 every morning and shake a few hands; and he would come back about 4:30 and shake a few more. So, he managed to meet all the newcomers that came to town, as well as his old friends.

Since we are talking about daddies, one of the most striking things about our Mayor, in my opinion, is that the Mayor is the famous one in his family, Robert King High. However, he has a daddy who, in my opinion, is an even finer politician than he is, and one of the finest gentlemen that I have ever seen. Whenever the Mayor gets in trouble, he sends up to his daddy to come down and get him out.

I am proud to say that I am also a good personal friend of a man who is now the Republican Governor of the State of Florida. He lived next door to me in Birmingham, and I like him very much, and I think he is a very fine fellow, but I think the Senator is correct. In the last election, having intimate knowledge of both candidates, I am proud to say that I voted for Robert King High. He did not win, but I voted for him, and I think he would have made an excellent governor. And I would like to say, on behalf of a lot of his supporters, that I think one of his finest hours was when he got up before the television camera, with his daddy and his mother and his family, and he told the people of Florida that he was defeated; that the people were always right, in his opinion, and that he did not take it personally. He said that the people in their wisdom had spoken, and that was it.

I just want to say again that I am proud to introduce a man who I think has about as much genuine compassion for people who are underprivileged and people who may be on the outs with the power structure and the powers that be as anyone could. Such people can always get a hearing, in my opinion, and can always get fair treatment — and they can get access to Mayor Bob High.

It is my privilege to present to you Mayor Robert King High<sup>1</sup> of the City of Miami.

#### ADDRESS BY MAYOR HIGH

MAYOR ROBERT KING HIGH: Thank you very much. I certainly appreciate that.

Hugo, Senator Douglas, ladies and gentlemen of this very fine and worthwhile Commission that is going around the country trying to assess and evaluate what is happening to America and what ought to be done about it.

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<sup>1</sup> Died August 30, 1967.

I do recall the times that we went down to the duPont Building: there is a table down there, Senator Douglas, that all of the people who knew anything about politics sat at in the morning hours. There they made predictions, prognostications, and I sat there and listened, and then I looked to see what happened as a result of their predictions. And they were always wrong.

I first want to say, on behalf of a great city, that we are pleased that you have come to us, and I hope that while you are here, you will find a pleasant citizenry to welcome you. I am sure that you will.

Senator Douglas, I followed your career in the Senate. You were one of those towers of strength that believed in what you were doing and you stood for what you believed in. You tried to be the voice of the voiceless so many times; and you were one of those who believes, as I do, that a public man, if he is intellectually honest and if he is doing his job, must speak out on matters, whether they are within his jurisdiction or not. So, I have taken a leaf out of your book, Senator, and I hope that I do just half as well.

The English historian, Lecky, wrote that societies, like individuals, go through spiritual crises, and what is happening in America today tends to prove this thesis. Our country today is in the midst of a spiritual crisis. So, I think it is a reasonable aberration on Lecky to say that societies, like individuals, have souls and emerge from spiritual crises, saved or lost, redeemed or damned.

The soul of this Nation is in torment. Our great sit-ins are the embattled ground where deliverance or damnation will be decided. So, this Commission, made up of so many fine people, must understand, then, that it is working in the vineyard of history, where technical solutions, Senator, are not enough. The Commission must understand that its task is not to build people for cities, but cities for people.

You must not only be preoccupied with engineering plans, but human need and convenience, including the right of the individual to be an individual.

Given money and power, technicians can solve air and water pollution and mass transportation, housing, slum clearance, and all of the other problems that beset urban areas. But these problems would be better left unsolved, if it means turning our cities into what Huxley called "gigantic termiteries." Human beings are more than termites, more than social statistics.

In an essay written in explanation of his novel, *The Magic Mountain*, Thomas Mann said, "All humanity rests upon the mystery that is man."

I suggest that the genius of this country's political and social institutions has been the awe and the reverence we have shown that mystery; by the high, preferred place we have given personal liberty, individual dignity, and spiritual privacy. That reverential heritage must be preserved. And it will not be, if we chase after the technician's dream, described by Parkinson as "planned perfection." Planned perfection is a seductive dream. It is, nevertheless, a dream, an illusion, a toy and fancy of the brain, in Shakespeare's imagery.



I have said many times in the last campaign, Senator, that we have conquered space, but we may have to evacuate the earth; that this age of population explosion has generated conditions that threaten to make the earth a hostile environment; and that, if we launch massive assaults on those conditions, we must consciously avoid Chairman Mao's philosophy of the great leap forward and convert our cities into communes.

## **Make Cities for Men as Individuals**

Now, why these admonitions to this great Commission? Why do I say our cities are the testing place of our national soul; that, accordingly, we must make them into another image, but that we must be aware that we are not remaking them as habitation for man swarms, but for individual men? I admonish, because I think there is some cause to suspect the sword of Franz Kafka's allegorical writings hangs over us by a slender thread.

Kafka, as you know, was convinced that evil, not good, will triumph in this world and that it will do so in this century. Evil, in his prophetic vision, was not sin, but man's dehumanization. He believes man, in modern times, will lose his individual human personality, that the minute regulation of daily existence, especially by a great bureaucracy, will extinguish all variety and freedom, stifle intelligence, and make man more insect than man.

We must not build our cities to go along with this short-story metamorphosis that Kafka wrote about a modern man, whose daily activities in a great city were so dull, so monotonous, so routine, so unimaginative — such an idiot repetition — that he dreamed he woke up one morning and discovered he had been transformed into a physical state corresponding with his spiritual state, that he was an insect, a giant cockroach.

Well, we must not build our cities, in which Americans will live out their lives, in this style. And this is why I consider that extensive bureaucracy is as much of an urgent problem in urban society as any other, and I believe that every step should be taken to de-bureaucratize government.

How can it be done? One of the methods I suggest to you is the ombudsman plan. This is sort of a third force in government, an individual appointed official agent whose duty it is to oversee and police the bureaucracy, to recommend personnel and policy changes, to discourage red tape and, in general, to ride herd on the bureaucrats.

The innovation would do more to rescue private persons caught in the toils of bureaucratic maze than anything I know of. And it would expedite the workings of government, make it easier to translate ideas into action.

Senator Douglas, I know that you will recall during the Cuban missile crisis that President Kennedy was unable to manage the State Department bureaucracy and, in consequence, he was substantially hampered with the fast-developing events.



Frederick Jackson Turner, in his essay, *The American Frontier*, which probably is the most influential scholarly work ever written, asserted that the frontier shaped the American character as we know it today. But the isolation, the remoteness, the hardship of life on the frontier then molded men who were self-reliant, independent in their religious and political views, resourceful, suspicious, and resentful of too much government — believers in themselves and the creed of rugged individualism.

Turner concluded that such men, uniquely American, were the anvils on which the world's first successful experiment in genuine democracy was hammered out. Now, what would Turner today think, Senator Douglas, of the trend toward urbanization of the American being in our big cities today, and what consequence would he foresee to our political traditions?

I speculate that he would be dismayed; that he would fear men who live en masse will become men en masse. That he would fear that so long as men live in horror, in our slums, in our ghettos, that we would always live in the shadow of the horror of riot and violence and crime.

Henry George, in his *Progress and Poverty*, wrote: "Poverty is the open-mouthed relentless hell which yawns beneath civilized society."

Poverty is hell. Ghettos are hell, and in that hell and in those hell holes, it is no wonder that Frankensteins are nurtured. Every rational, fair American knows the principle of natural selection. Survival of the fittest alone determines that monsters will evolve from environment of unrelieved squalor and filth and fear, and misery and deprivation and stench. A brutal existence begets brutes.

I am not a Utopian, but I refuse to give up hope that we can eradicate poverty and ghettos. If we fail, what Jefferson called "the law of increasing misery" will engulf us. Now, President Johnson's poverty program may not promise the result that it is hoped it will obtain. There are some people in the country that assess it as much a boondoggle as a social munificence, but it is better than nothing. At least, it signifies that we are concerned.

I know of no cure-all for poverty. However, Einstein's theories of relativity and of the unified field were unthinkable until he thought them. Moreover, while he was the scientific spirit incarnate, he did declare that every major discovery that he conceived began as an esthetic vision, from the shock of recognition that the cosmos had to be organized in a certain way in order to explain the phenomena that he observed; that, as a matter of harmonic intelligence, undiscovered but discoverable physical laws had to be at work.

I may not know what can be done, but something must be done about the poverty and the slums in this great country. The remedy right now is unknown, but it is not unknowable. It would violate harmonic intelligence to assume that we will always have the poor with us, that we must always accept widespread privation and want and wretchedness as an incurable ill, as an unchangeable part of the human condition.

I have spoken with brooding pity and bafflement about the problems most big cities wrestle with, especially those problems of slums and poverty.

Another mood possesses me, though, when I talk about Miami — the kind of city it is, the good and bountiful lives that most Miamians live, and our prospects for the future. I think you men and women will notice that Greater Miami is a banquet for the senses — the cleanest, the most well-kept and beautiful metropolitan area that you have seen anywhere in your travels. Why is this so? Why is Greater Miami an oasis, a banquet, a garden, a hauntingly lovely place, even though it is an urban center of more than 1,200,000 people?

## **Contribution of Metropolitan Government**

Part of that reason, of course, is in its geography. It is right — that we have a tourist economy. We have a youthful population, comparatively. But many people say that our metropolitan government, which was adopted back in 1957, had a great deal to do with sparing us some of the urban problems that exist in other areas.

Metropolitan government is a form of home rule, a federated system of an autonomous county government, with lesser autonomies, such as cities.

The ends that were desired to be served by such a structure were economy, efficiency, and coherent planning. As you have seen already, Dade County is a huge county in miles, as well as in population. Metro visionaries in those days foresaw that many governmental actions and functions could be performed much better on a uniform basis for the entire area, as opposed to the old fragmented city-by-city method. They were right. Metro has worked. It is not perfect; only Paradise is. But, Metro has made possible superior services, such as in public health, in our areawide traffic, and on the whole has been helpful and as convenient as its supporters figured that it would be. It still is controversial, but new directions in government always are. It has been successful enough, however, to be exported to other areas of the state and country.

I have heard it said that politicians have the audacity of hammer-head sharks. There is at least one who does. He was in town this week. He toured our Negro community. He describes himself as “the Governor who cares,” and he said he came to rouse our Negroes out of pool halls and bars, and motivate them to get jobs. That politician trades on human misery for headlines. That politician exploits a simplistic, false, prejudicial attitude about Negro unemployment — that they are shiftless and dissolute by nature; that there are jobs to be had, but that they do not want them because they prefer pool halls and barrooms; and that if they were motivated to work, they would get jobs, they would prosper, and their communities would not be ghettos.

That politician lives in a glass house but throws stones. The newspapers call him the “café society Governor,” which is a euphemistic

way of saying he likes expensive barrooms. I tremble for that politician when I reflect that God is just.

Today, I spoke of planned perfection and communes, and the dread that we must have of building our cities that are deserts of uniformity.

At age 81, Mr. Black, Justice Holmes expressed this same thought in these musical and perfect words: "Who of us could endure a world, although cut up into five-acre lots and having no man of it who was not well-fed and well-housed, without the divine folly of honor, without the senseless passion for knowledge, without reaching the flaming bounds of the possible, without ideals." The essence of which is that they can never be achieved. If I were dying, my last words would be of faith and pursuit of the unknown end. Thank you.

MR. DOUGLAS: Thank you very much, Mr. Mayor.

## QUESTIONS BY COMMISSION MEMBERS

MR. BLACK: *Would anybody like to ask Mayor High any questions about urban problems — not about that politician?*

*About your Metro structure and the relationship between the city and the Metro, could you give us some description, Mayor, of the interrelationship, let's say, of the City of Miami — which is our biggest municipality — and the Metro government?*

MAYOR HIGH: All right. The County of Dade is like most counties and most states throughout the country. The Dade County Government was, up until 1957, like governments in most counties in most states in this country.

It was seen, however, that our county was urbanizing so fast and that people were filling up the county so quickly, that it was difficult to tell where city boundary lines ended and where they began. And it was felt that in order to bring about a more efficient kind of government, where there was a central focal point for many problems to be resolved that went beyond these city boundaries, a central kind of government should be set up to handle such problems. These problems were water pollution, mass transit, traffic, and all those kinds of problems that do not stop, of course, at city boundaries.

So, the Metro form of government was born and it has proceeded to gradually take over these kinds of areawide services. It now operates the court which, of course, is a benefit to the entire county. It used to be operated by the city. The hospital — Jackson Memorial Hospital — used to be operated by the city. It, of course, benefited the entire county; so it is now being operated by the county.

Many of these areawide services are now being performed by the county, and the cities are trying to concentrate on more local types of services. And it is working out fairly well.

MR. BLACK: *Mr. Mayor, could you describe for the Commission some of the services that the City of Miami renders, distinguished from the Metro. Not the jail, which you just turned over to Metro.*



MAYOR HIGH: Well, the stockade, yes. Unhappily, there are some services that are areawide in scope which cities perform and which the Metro government performs, too. I don't think that this will continue to happen too much longer but, for example, the City of Miami operated a stockade, which is not a very nice-sounding name, but it was an open-air kind of jail facility where the people would be outside quite a bit of the time. It has a capacity for several thousand people, but because city prisoners were going there, it was only occupied, maybe, to 40 percent capacity.

The Dade County Jail is about 120 percent populated. We are now organizing that; so that the over-population of the Dade County Jail can be used to repopulate the unused portion of the stockade. So, gradually, we are trying to do our very best to eliminate duplication, and wasteful duplication, as such.

MR. WOODBURY: *I just wondered whether on this split of function between the city and the county, in the City of Miami—which, of course is hands down the biggest entity within Metro—are the functions any more extensive than those of, let's say, a suburban locality? Or is the split between all the cities and the county essentially uniform?*

MAYOR HIGH: I know what you mean. The City of Miami is, of course, the central city, the biggest city in the county, and when it transfers a function, it is transferring over something that is substantial. And it might very well be that a smaller city would continue to handle all of their functions, because it would not be such a significant move that the county could do it any better.

MR. BAKER: *Has this in any way affected the autonomy of the cities within the county? Do they still continue to function as cities, as they did before they became part of a Metro city?*

MAYOR HIGH: Yes, sir.

MR. BAKER: *Does this in any way affect their contribution in tax rates or contribution in funds towards the operation of the Metro government? Do they contribute in money over and above what they would under the normal tax rate?*

MAYOR HIGH: Well, under a county government, the county levies taxes on all of the property within a county, whether it be in a city or in an area that is not incorporated. So, consequently, the taxpayers who live in the city do pay county taxes as well.

MR. BAKER: *Is this increased over what they paid prior?*

MAYOR HIGH: Has the tax increased?

MR. BAKER: *No, no. Has it been an additional burden on the city taxpayer?*

MAYOR HIGH: Well, it has in that the county taxes have gone up. I doubt if the city taxes, as such, have gone up too much, but county government taxes have gone up.

MR. BAKER: *But, had it not been for the Metro government taxes, city taxes would have increased to offset what is now being done by the county?*

MAYOR HIGH: Perhaps, if they did in fact undertake those county-wide services. You see, we did not have a vehicle before to step in and



assess any major problem in this county that went beyond city boundaries; so, I do not think that any of those cities, perhaps with the exception of Miami, could have undertaken such a county-wide function and it probably simply would not have been done.

MR. SHUMAN: *There are riots over the country, and this problem is probably the single most important question facing the country now. You haven't had a riot here. Some people say that jobs and housing and education are the key ingredients, in the long run, to stopping them. Have you got any views about what the country should do about this really most serious issue? Can you give us a little light on the things we have got to be thinking about, in view of what has been happening in the last few months?*

MAYOR HIGH: What I would say, probably, would be just an addition to what others have said: I am convinced that so long as we have slum conditions, the people are committed to derive a living from the time they are born until the time they get out of that slum area, so they are always going to be in the shadow of rights of others. I hope that this Commission will develop ways and means to solve this as a number one problem, and I think it can be solved.

MR. SHUMAN: *I don't know what the local characteristics of your metropolitan area are, but in other areas, the central city usually has the problems of providing housing for the low-income groups, providing welfare for them, and these services are not usually provided to low-income people in suburban areas. In this metropolitan area, who furnishes these kinds of services and who supports them?*

MAYOR HIGH: Well, as of now, the City of Miami has a Miami Housing Authority, which is a partnership between the City of Miami and the Federal Government, and with this partnership, over the years we have built low-rent facilities for the indigent and the aged. So, we have undertaken the responsibility of providing housing.

Our jurisdiction has not been limited to the city limits of Miami. Fortunately, the law when it was passed allowed us to go 10 miles outside the city limits to construct housing; and so we have not been hampered by the municipal boundary. With reference to welfare, this has been a county undertaking and responsibility for a number of years, and they, in conjunction with the State, take care of the welfare in the city and in the county. This, though, of course, has been an agency that has been funded and assessed and handled over the years by a predominantly rural Legislature. So, there have been difficulties with this. But I think that perhaps there is some hope that it will be improved.

MR. BLACK: If no one else has further questions for the Mayor, let me thank you, Mayor, very much for coming.

(Adjournment.)

*Senior Center  
Robert King High Towers  
Miami, Florida  
Morning, August 26, 1967*

## **OVERCOMING FRAGMENTED LOCAL GOVERNMENT**

MR. DOUGLAS: Ladies and gentlemen, if we will come to order, please. As you probably know, when our Commission was established last January, amongst its assignments, it was given the task of trying to find out how the Nation can provide an abundance of housing for Americans with low income. We have also been asked to go into the question of the structure of local government and tax policies.

We are holding hearings in about twenty major metropolitan or urban areas of the country. We have not come to Miami to investigate Miami. We have come here to see some of the constructive things you are doing.

First, on the subject of changes in local government, upon which Mr. Manvel of our staff has specialized, Florida has two of the most interesting developments in the entire country.

Secondly, we are here to learn what you have done to provide housing for Americans with low incomes, and I am very frank to say that I think the country has neglected this field.

In 1949 Congress passed an act which aimed to provide 810,000 units for families with low incomes in a period of six years. It has now been 18 years since this bill was passed and, depending on which set of figures you use, we do not have much more than 640,000 units. We are building now at the rate of only 40,000 a year, of which 19,000 are for elderly people, and only 12,000 a year for other low-income families. There are many reasons for this. I am not here to say what they are. I am gradually forming conclusions. But there is a great lack. I think that Miami is going to show up extremely well in this record, but we want to hear the evidence.

Now, at the end of each session, we have a practice of hearing from whoever may want to be heard, so that we will not merely hear the official story. They should feel free to talk, and not to be overawed by the Commission or by the local officials or local members of the establishment.

While we are here, I am going to ask the two Florida members of the Commission to take the Chair at our hearings and preside over our meetings. I want to ask Mr. DeGrove to chair the hearing this morning, because it is on the subject of metropolitan government, and that is his specialty. This afternoon, Mr. Black will chair our hearing on the subject of housing for low-income families. Professor DeGrove.

MR. DEGROVE: Thank you, Senator Douglas. We will move rather directly into our program, so that our witnesses will have a maximum amount of time to give us the information that this Commission needs.

I will simply say that we will have each witness, in turn, give a summary of his testimony, and we will go straight through the witnesses. We will not question you until after all witnesses have presented their

testimony, and then we hope that you will be able to stay, so that members of the Commission can ask you questions. After that, we will have statements from people in the audience who are interested in giving them, as Senator Douglas has indicated.

Our first witness today reflects our interest in attempts to innovate in the area of metropolitan structure and organization. We have had many attempts to innovate, but very few successful ones. Typically, the effort to restructure and reorganize the government in a metropolitan area fails in this country. This has certainly been characteristic of almost all efforts in the Twentieth Century. There have been some few exceptions. Two of them have been in Florida, and one of them has been in Tennessee.

This morning, our first witness will be Mr. Robert Horton,<sup>1</sup> who is Administrative Assistant to Mayor Briley of Nashville-Davidson County, Tennessee, a successful consolidation effort.

Mr. Horton has a distinguished educational and experience record. It might be very interesting to some of you that he did most of the research for the famous one-man-one-vote reapportionment case of Baker against Carr. So, your name will be either honored or damned, as the case may be.

MR. DOUGLAS: He is going to be honored.

MR. DEGROVE: Honored in our circle. Some might not share that sentiment, but we think they are misguided souls that need to be led to the new way. Mr. Horton's present post of Fiscal Administrative Officer and Assistant to Mayor Briley gives him general responsibility for what he very interestingly describes as the people-oriented problems of the metropolitan area of Nashville-Davidson County.

Mr. Horton, you certainly have a distinguished record and we are more than delighted to have you here. We appreciate your leaving your comfortable vacation to come down and talk to us. So, we are now happy to hear from you about that exciting campaign in Nashville-Davidson County.

#### STATEMENT BY ROBERT HORTON

MR. HORTON: Thank you, Senator Douglas, and gentlemen. I will try to be as objective in my presentation of the Nashville-Davidson County story as 14 or 15 years of involvement will permit, because you cannot work on a problem as long as I have worked on Nashville and Davidson County's problems and be totally objective. I have threatened to write my doctor's dissertation on how to remain objective, though involved. Vanderbilt University says this is impossible. The problems of local government — not only in Nashville-Davidson County, but all over this country — are very complex, and they are not easily solved.

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<sup>1</sup>In research and staff capacity for various private and public agencies in the Nashville area since 1948. Director of Research Staff, City and County Planning Commission, Nashville-Davidson County area, 1954-63. M.A. in political science, law degree; candidate for Ph.D. degree in political science.



The fragmentation of local government constitutes one of the most serious obstacles to the rational planning and decision-making within an urban area.

The problem that we all face is how to devise a local government with the jurisdiction coextensive with the metropolitan problem. We in Nashville-Davidson County feel we have accomplished this within a single county of 533 square miles. We have a population of 460,000. We are the capital of the State. We have everything from country music to 14 colleges and universities. We are very diversified in our economic base. We are a very conservative community, actually, yet we were very active in the battle to reapportion the State Legislature and to strengthen local government, because we believe in the Federal structure of government in this country. We feel that the Federal system can work if the local governments are strong enough to do the job of delivering particularized services to people, and if the State is aware of, and responsive to, the problems in both the rural and the urban areas.

Therefore, our argument all through the reapportionment effort was that we were the true defenders of the State's role in the Federal structure, because if the State is not aware of the problems, and if the people are not, within that system, then it is inevitable that the State government will be bypassed.

## **The Nashville Consolidation Story**

The consolidation of the City and County of Nashville and Davidson County was not an easy task. It is a rather unique effort. It began in 1951 with the Community Services Commission study, which recommended a reallocation of functions between the city and the county and an extensive annexation program. The possibility of consolidation of the city and county did not present itself to this group, because this would require a constitutional amendment.

In 1953, we amended the Tennessee Constitution for the first time since 1870. We got a constitution after the end of the carpetbag control in Tennessee that was the most unamendable constitution that you will find anywhere in the country. It certainly stood up. It stood up almost too long — 1870-1953 — without being amended.

The consolidation effort in Nashville began with then County Judge, Beverly Briley, recommending in 1955 that we try one government. I had just been employed by the City and County Planning Commission to do research. I had the opportunity of hiring my major professor as my assistant, which is the dream of all graduate students. We worked one year on what would be involved in consolidating a city and a county government. We — the staff of the research division of the Planning Commission — researched the then-known legislation, and the effort in this country. We set up eight or nine possible alternatives. We came up with a report and recommendation in October of 1956 that we attempt to implement the constitutional amendment of 1953. This would require general legislation to set out the terms and conditions



under which a city and county could be consolidated. We were presumptive enough to help draft the legislation to go to the State Legislature.

Everybody said, "You cannot get it through the Legislature. They are rural-controlled." One of the best lobbyists in Tennessee was prevailed on to run for the State Senate. He happened to be the attorney for the Jack Daniel Distillery in Tennessee. He made an outstanding State Senator. He got this legislation through both houses of the Legislature with almost a unanimous vote. It is obvious that he had had practice. He knew his way around on Capitol Hill.

The big problem, though, came after the authority was available. We had a 10-member Charter Commission set up — five appointed by the City of Nashville and five by the County of Davidson. We started to develop a plan to put together two governments. Our first charter effort in 1958 was pretty much a textbook approach.

(Sen. Claude Pepper enters hearing room.)

MR. DOUGLAS: Now, Senator Pepper, won't you come up and join us?

MR. DEGROVE: Senator, we are hearing from Mr. Horton of Nashville-Davidson County about how the consolidation was perfected there, with some insight, also, between the relationship between Jack Daniels and —

MR. DOUGLAS: I did not ask how many Jack Daniels were involved in getting the legislation through.

MR. DEGROVE: In any event, it was a cause well served. Please continue, Mr. Horton.

MR. HORTON: I have here a detailed list of the steps and the chronology as they took place from 1951 to 1963, when the Metro government began operation.

### Chronology of Events

- 1951 — Community Services Commission Survey
- 1953 — Limited Constitutional Convention
- 1955 — County Judge Briley recommends "One Government"
- 1955-56 — Planning Commission Survey
- 1957 — General enabling legislation establishes procedure for consolidating city and county
- 1958 — First Metro Charter defeated
- 1959 — City of Nashville undertakes program of annexation
- 1961 — Legislation authorizes second Charter Commission
- 1962 — Voters approve Charter of Consolidation
- 1963 — April 1: Metropolitan Government of Nashville-Davidson County begins operation

### Organization of Metropolitan Government

1. Concept of Two Services District: Permits the total County (General Services District) taxpayers to pay for services needed throughout the community, while Urban Services District taxpayers receive and pay for the additional services required.
2. Consolidation: Reduced 87 boards, commissions, departments, and agencies of City and County to 8 departments and 17 major

boards. (Key consolidations — schools, public works, police, water and sewer, codes, hospitals, general services)

3. Strong mayor-council form of government: Council of 41 (Vice-mayor; 35 District members; 5 at-large)

The first charter effort was, to a considerable degree, a textbook approach. We had the support of both the Mayor of the City of Nashville and the head of the County government, the County Judge. We had all of the “right” organizations supporting the effort. But when the people voted on the issue in June of 1958, the charter passed inside the City of Nashville and failed in the county outside.

After the defeat of the 1958 charter effort, the City of Nashville annexed — without a vote of the people — 49 square miles of territory, with 85,000 people. The people who had felt that they could not be reached, that they would not have to pay extra taxes, suddenly discovered that they were inside the City of Nashville. The City of Nashville had brought in such a large area that they were not able to immediately render the services; and the biggest problem we have in our community is the need for a sanitary sewer system. The annexation program did not fit the area of sewer needs.

We built the City of Nashville on top of a rock ledge. It has phosphate rock with blue clay sandwiched between, and it is virtually waterproof. The area of urban sprawl has developed on large acreage lots. The Health Department routinely performs a percolation test if you build on a lot less than 40,000 square feet; so, almost every lot in these blue-clay areas is an acre or an acre and a half. This has produced a very low-density type of urban development. We are finding it to be an expensive area to serve, because we have 150 square miles of urbanized territory, with an urban population that could very well have been in 50 square miles of the area, had we had the utilities and services.

The City of Nashville made an effort to extend the services into this area and to take over the school system, because when they reached out and annexed the area, they got the school responsibility. The county would not give them up without being paid — so, since I was working half for the city and half for the county, I was their only contact between the two school systems for four years while they were suing each other. I split bond issues between the two systems.

The problems of the conflict in jurisdiction and overlap — all of these things relating to the annexation — produced a situation where it was easier to do nothing than to get an orderly plan of urban development implemented in our community. I would work half on the city side and half on the county plan, on something that should be communitywide; and then, because one political jurisdiction had to raise the taxes and the other elected official would get credit for spending them and cutting the ribbon — get his picture in the paper — it just did not get done, because politicians do not work that way.

The second charter effort came about largely as the result of the frustration produced by this large annexation and the increase in

taxes that occurred between 1958 and 1961. The second charter, the one that was adopted in June of 1962, is a much more sophisticated document. It had a provision for transition from where we were to where we wanted to go. And this is absolutely essential, because people are not going to give up what they have, unless they have some indication that you know where you are going, and that you have an orderly structure and plan to get there.

## How the Women Helped

We also have several provisions in this charter that appeal to the women, because the women control the politics of Nashville-Davidson County. Fifty-one percent of the total registered vote in our County is made up of women. In an average election, they cast between 55 and 60 percent of the vote. About 1,500 of them got out and, in the most unbelievable political confederation that you have ever seen — Democratic women, Republican women, university, united church women, the labor auxiliaries — all of them worked together and stuck together and cried together for about 12 months with the notion that they were going to throw out the two existing governments and create a new one. The women have several rewards in the Metro Charter.

We reorganized the Democratic and Republican Executive County Committees in this charter. It is obviously unconstitutional. The women came up and they said, "We are over half of the vote in this County, yet the men won't give us but 15 or 20 percent of the representation." Therefore, the Charter Commission said, "Well, we will do something about that," and we did. The Charter specifically says that a County Executive Committee will be composed of 35 men and 35 women, and when you give women that much of a vote on a committee, you give them an overwhelming majority.

The nurses wanted to be represented on the Hospital Board, and they are; and the relationship between doctors and nurses has improved.

We required women on the Park Board. We required that a member of the Park Board be appointed by the School Board and another one come out of the Planning Commission, in order that we could have an interlocking directorate, in effect, between our boards and commissions, in order that we could break down the institutionalized walls and barriers between these functions.

As a result, we in Nashville-Davidson County now have the school sites, 10 feet out from the school building, leased to the Park Board for year-round recreation purposes; and we are building school buildings so that the gymnasium and other equipment can be used on a year-round basis as a recreation center.

The second charter effort was successful. It received a majority vote in both the city and the county. We have a very large legislative body in this government. Thirty-five councilmen elected from districts, five at-large, and a Vice-Mayor, who is President of the Council. We have a strong-mayor form. The Consolidated Government reduced the 87



boards, commissions and agencies to eight departments and 17 major boards. The executive leadership responsibility is vested in the Mayor. We had many little slogans that helped sell the charter, but are hard to live with. These include: "The funds are going to follow the function" in the reallocation of responsibilities; and, "We are going to keep up while we catch up." Now, keeping up while you catch up is difficult when you have accumulated 50 years of backlog of problems, because urban problems cannot be resolved overnight. It requires careful, coordinated planning.

Nashville-Davidson County is growing. We are growing at approximately two-and-a-half times the rate that we did on an average in the 10 years preceding the consolidation. Our unemployment rate — our announced and published unemployment rate — runs 2.3 and 3.0 percent.

## **Reform Is More Than Restructuring**

The problems of reform in local government extend beyond just restructuring local government. We have worked very actively with the State government to get the State Legislature more equitably apportioned. Mayor Briley is President of the Tennessee County Services Association. This year he is also President of the Tennessee Municipal League. He is Co-chairman of the Inter-Governmental Relations Committee of the cities and county created to work out a legislative program for the February 1968 legislative session. We expect a great deal of coordination and cooperation next year. Mayor Briley is Past-President of the National Association of County Officers and Vice-President of the National League of Cities. He is very busy working, not only at the local level trying to reform the local structure of government, but he is also very busy as a missionary going out across the country. We have been in and out of Jacksonville; Columbus, Georgia; Charleston, South Carolina; Indianapolis; Topeka, Kansas — oh, there are about 15 or 20 urban areas across the country right now that we are working with and, more or less, doing a voluntary free-time consultant service with local governments that are trying to restructure themselves in order to do a job.

I am not saying that we have solved all our problems. We have many of them. In fact, the Federal Government helps to create some of our problems. I had a lecture on the United States Civil Service Executive Development Program. They keep bringing me back up there because I am opinionated. I am trying to spread the notion that the Federal bureaucracy does not have all the answers, that creative federalism means that the local government may talk back, and we might even have something meaningful to say, occasionally. The problems of urban areas have to be approached, not on a one-day or one-week or one-year or one-project approach, but we need to develop an overall coordinated plan for extending services and strengthening service systems and providing adequate revenues. We have a capital im-



provement budget program that we cannot possibly finance without increased State and Federal assistance.

The Interstate Highway System has produced serious problems in access roads. Back in the late fifties, the cutback on some of the interchanges affected us in that it reduced engineering costs on the roads, but left us with some major access problems; and some of these roads run through low-income areas that create very serious problems.

We view the Model City effort as one device through which — by focusing on a small area — we can coordinate the Federal, State, and local efforts and programs, project them over a period of time, and perhaps produce an environment that will reverse a trend toward an area's becoming a ghetto. The North Nashville Model City area contains three Negro universities and, hopefully, the desegregation of these institutions will reverse the trend toward this area's becoming a ghetto.

The population in the North Nashville area 10 years ago was more than half white. It is now 70 percent Negro, 30 percent white. We would like to, cooperatively, devise a program that by using the leverage points available — the universities, the Negro Medical School, and the economic mix of the area — help them desegregate in reverse, and hope that we can produce the type of urban environment that will stabilize the population and find the leverage points to raise the average income in this area.

The big problem in this area is the fact that an average family has an income of \$4,000 per year, while the average in the rest of the community outside the central city area is \$9,000 per year. There are big problems wrapped up in this deficit of \$5,000 per year per family in income. How can you, over a four-, five- or six-year period project a program that will, to a considerable degree, close the gap? This cannot be done on a short-range basis.

## **Long-range Federal Commitment Needed**

The Federal Government must make a sustained and substantial commitment if we are to solve this problem. Many of the Federal people do not understand the concept of delayed gratification, that many of these problems require lead time. The job cannot be done on a hit-or-miss basis.

The Federal programs — many of them — are on a pork barrel approach: one shot one year, pick it up by helicopter and fly it off somewhere else, if they need the money elsewhere. If we stay on the local scene, we have to pacify the people after the Federal funds have pulled out, and we would like to see the Federal Government get to the point where they can project a three- to five-year plan for services and where they can come in and be a little cooperative and consistent in tackling some difficult need of an ongoing nature.

For instance, in the Community Facilities' Assistance Program, they give you two-thirds of the money for a building. You put up one-third and then the local government pledges 20 years' maintenance of

service. I would have suggested that local government put up the two-thirds of the money, the Federal Government put up one-third and they pledge 20 years of service and operating funds. You get a look of shock from Federal agencies when you offer to turn these things around.

Many of the Federal programs are set up on a back-out basis, as though they were dealing with local governments in the 1930's, when the taxpaying base of local governments were not committed to solving these problems. We don't need any programs that are putting up 80 or 75 percent of Federal funds now and 51 months later are going to back out altogether. We have got enough problems as it is at the local level without absorbing an additional 15 percent of transferred costs from the Federal Government.

I am fiscal assistant to the Mayor and work on the budget for four months of the year. In Nashville-Davidson County our needs are going up at 7 to 9 percent per year, and our existing revenues, as permitted by State government, are going up about 4 or 4½ percent per year. We already have all the problems we need, without accepting any Federal Government agency aid that is going to back out at the rate of 15 percent per year. If the Federal Government will make a long-range arrangement with some of the services that we need — particularly people services — we can get around to building better houses. If the State government will quit figuring the welfare rental supplements at \$28 a month, we can locate the poor in decent housing. They average the costs of housing in the rural areas and the urban areas, which gives them \$28 a month housing assistance for a family of four. For \$28 to \$35 per month you cannot put them in anything but public housing, and you cannot even get them in public housing on \$28 a month of assistance.

There are many things needed in Nashville-Davidson County. A local government that has reorganized itself, in order that it can evaluate its problems, assume responsibilities, plan projects, administer programs, cannot do it all by itself. It needs understanding from citizens, the press, the State, and the Federal Government. Even the United States Census Bureau cannot quite figure out whether we are a city or a county. They insist that we have to be one or the other. They cannot accept the fact that we are a city and a county having all the authority of both but that we are neither. We are both, and yet they insist that to set us up like that would require reprogramming the computer.

Well, I would like to tell them that we have spent 15 years reprogramming the structure of our government. And the least the Federal Government could do could be to recognize it when they see an example of local efforts and initiative, trying to structure the affairs of local government to get the job done. Thank you.

MR. DEGROVE: Thank you very much for those candid and direct statements, Mr. Horton. We appreciate it.

I will move directly to our next witness, another man known to all of you here in Dade County — our County Manager, Mr. Porter

Homer. He became County Manager of Metropolitan Dade County on May 1, 1965, and that position, I suppose, Porter, is considered to be something of a hot spot in city manager circles across the country. Whether that is an accurate assessment or not, I will not attempt to say.

Porter, it is a special pleasure for me to welcome you to the Commission. I know your work and admire it greatly, and have for a long time. We are most happy and honored to be hearing from you this morning.

## STATEMENT BY PORTER HOMER

MR. HOMER: <sup>1</sup> Thank you, John, Mr. Chairman, members of the Commission and ladies and gentlemen: I think it is clear that there can be no solution to the urban problem without a complete and heavy involvement of suburbia. I think that, without a governmental apparatus and structure which mandates the involvement of the suburban areas in our urban problems, we are bound to fail.

I would like to make it clear that anything I say this morning is my own opinion and probably does not represent the policy of the Metropolitan Dade County Commission. I also would like to say that this is an accumulation of experience on the urban scene in Kansas City, Missouri, Tucson, Arizona, and Rochester, New York, and now here in Dade County. In all places they were trying to cope with the problem of urban growth, and in all cases, in one way or another, they were stymied by governmental structure or state boundaries or state laws or restrictions on local government.

In Kansas City, Missouri, through the process of annexation, they tried to grow with the population, but they were stopped by the State boundaries. They were stopped by restrictive legislation from the State government and restrictions encumbered in the State constitution. Nevertheless, they were able to incorporate into the City of Kansas City much of the metropolitan area, much of which would be considered suburban and outside the urban area any other place.

In Tucson, Arizona, they also attempted to grow through the medium of annexation, and had even larger success, partly because they were not snuggled up against a state line. They were in the center of a large State, but even there were unable to keep fully abreast of the growth.

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<sup>1</sup> Formerly City Manager of Tucson, Arizona, and Rochester, N.Y.; Research and Budget Director, Kansas City, Missouri. Graduate of Maxwell Graduate School of Citizenship and Public Affairs, Syracuse University. Lecturer in political science, Syracuse University, University of Kansas, and other colleges and universities. Vice-President, Southeastern Region, International City Managers Association 1967; member of Urban Development Advisory Committee, Department of Housing and Urban Development. Past officer in American Society of Public Administration, International City Managers Association, National League of Cities, National Municipal League.



In Rochester, New York, the city was bound in, unable to grow. State legislation created governmental entities that were surrounding the City of Rochester. They were suburban enclaves which did not participate in the central city problems. The suburbanites liked to be able to come through the local Chamber of Commerce and tell the city what they should do; but they did not want to pay any of the bill and could not vote, so they had to resort to this devious means of making themselves felt. They were quite determined that they were not going to pay any of the bill for any of these programs, if they could avoid it.

The governmental structure is a way of doing this. I think that suburban participation in the financial area, so that they do help to pay for the solutions to the problems in the central areas and for urbanized areas, is absolutely necessary.

## **More Than One Way to Create Metro Government**

I also think it is important that the voter in the suburban area be forced to exercise the franchise, and to participate in decisions on an areawide basis. I am not one to say there is only one way to accomplish the goal of metropolitan government. I would not say that what has been done here is the only way. I think the situation from area to area will differ. It will be a different governmental structure that has to be changed. It will be a different political history, different customs, different leaders. Out of these differences will evolve different answers.

In some areas annexation can be an answer. In others, we will have to resort to the Council of Governments mechanism that is being used in some places now. But I think it would be a mistake to assume, in any way, that there is just one best approach to this problem, because I am sure there can be many approaches. The important thing is to secure an areawide apparatus for keeping with the problems of the central urban area.

## **Head Start of Dade County**

The Metropolitan Dade County government was certainly one of the early efforts on the American governmental scene to cope with this kind of problem. We were meeting with the problems of an area that was being divided into many small municipalities. I think it had a great advantage going for it early in that it already had a countywide school district, one that inspired countywide thought and loyalty on the part of many people; so that in setting up a countywide general government, they did not have to do battle — as was indicated by our previous speaker — with those who had a loyalty to small, perhaps inadequately sized and financed, school districts. This has stood in the way in many areas in America of any kind of effective metropolitan government.



What it meant here was that you had a standard, uniform tax rate for the education bill. The method was standard, with uniform education on a countywide basis. There could be no pleading that this school system or that school system was so much better than any other, or that any effort to consolidate or to improve areawide government was going to peril somebody's favorite district.

With the advent of Metropolitan Dade County government, we were able to add to this standard uniformity — uniformity in traffic laws, traffic engineering, and a uniform traffic court. We were able to bring about areawide planning, urban renewal, and tax collection. Now, there have been a number of things that have been done here, which I think are indicative of the kind of approaches and flexibility that are needed, in the advance toward metropolitan government.

## **Benefits to Date**

For instance, there is the matter of providing financial relief for the hard-pressed, central city, or cities. Dade County government has relieved the central city, Miami, for instance, by taking over quite properly the public hospital operation. They have taken over the construction of a new seaport. These services were areawide in their impact, but were formerly a great burden on the central city.

Another approach has been the creation of a countywide library system. In this case, recognizing that the City of Miami already had an excellent library system, we contracted with the City of Miami, which administered the library system out in the county. We also were able to work out agreements with several of the other municipalities which, between us, cooperatively created a library system serving enough of the metropolitan area so that we could then collectively qualify for State and Federal grants for which, singly, none of us could have been eligible for. This enabled all of us to elevate the levels of our library operation, to put books into the library system that none of us would have been able to have gotten alone. So this was a co-operative action — one based on the excellence of the central city's library system, which is now being expanded into the rest of the county.

Similarly, we have taken over the financial and work responsibilities for beach maintenance for the City of Miami Beach. These public beach facilities and programs are certainly available to the entire county. This has tended to spread the cost from one small jurisdiction to a larger jurisdiction.

We are now in the process of working on our new budget, again working with the City of Miami and some of the other cities, spreading costs of services and facilities that are legitimately areawide responsibilities. These include the maintenance and operation of bridges over the various rivers and canals in this area, which have formerly been operated by the central city or some of the smaller cities. It includes taking over the City of Miami Stockade, which is underused by them and which will be put to full use by the county and will spread the cost and the benefits of that facility on an areawide basis.

Through our ability to purchase and buy, because of the high level of governmental personnel, we are able to provide central services for smaller municipalities. We do this in the area of purchasing, where we have open contracts which extend the benefits of our prices on police cars, tires, et cetera, to municipalities and to the other smaller jurisdictions, which could not get as good a price break, simply because they are not buying as many units. We do the same thing in the field of insurance where, because of our purchasing power in the insurance field — particularly in the area of workmen's compensation group insurance — we are able to provide coverage at prices that the local municipalities could not possibly hope to get for themselves.

Other activities have been carried on which have spread the benefits and spread the costs, such as in the area of single licenses. Only recently, we have been able to accomplish a single, areawide contractor license, which replaced the system under which you had to have a contractor's occupational license for each of the 27 cities, plus one for the county. This was an added cost to business, an added cost to the consumer, and a deterrent to business. None of these things come easily. These things have to be worked out with patience and with understanding; there has to be, in fact, negotiation on a day-to-day, week-to-week basis with the other local governments in the area.

We worked hard at the business of improving our working relationship with the 27 municipalities in the county. We have worked to establish a formal liaison committee structure for representatives from the municipalities and from Dade County.

The next speaker was most instrumental in making it possible to have back-and-forth talk in sharing of problems and experience — realization of what each can do for the other. This is important to the long-range solutions to these kinds of problems.

Quite frankly, we have problems in our relationship with the State, not the least of which is that they just plain do not like us, for the most part. Unfortunately, we politically occupy the same type of pre-eminence with Florida as does the City of New York with the State of New York. We also find that we have problems with the Federal Government, because our metropolitan government does not fit into a nice, neat package or category, and some of the Federal forms just do not take into consideration the possibility of this kind of a governmental creature.

We are finding, however, by hard work and lots of explanation, with help from people like Mr. Pepper, that the Federal agencies are beginning to understand and recognize what we are, and what we can do for them, because all of the Federal programs are going to go for naught if there is not a local apparatus that has the courage and conviction and the ability to make these programs work. Despite all these difficulties, we are getting things done.

We are presently involved in an extensive sewer improvement program, in the northern part of the county, which Mr. Pepper is intimately familiar with and greatly responsible for. It involves several cities, the county, the State government, and several Federal agencies.

It involves city monies, it involves county monies, it involves Federal monies, and it is a way of meeting massive problems. It's working, but it has taken a great deal of effort and hard work on a day-by-day basis.

## **Suburban Involvement Necessary by Mandate**

It seems clear to me that if there are to be solutions to the social problems of our urban areas, and to the economic problems that we have, the educational problems, the employment problems, the health problems, there must be the involvement of the suburban area residents, their money, their know-how. I do not think it is realistic to expect them to be so benevolent about this that they are going to give their money through the United Fund, or any other voluntary apparatus. It has to be a governmentally mandated structure that brings this about.

I think that, further, there has to be a massive Federal-local relationship. I have to say that, up to this point, there is little on the scene in the United States to create in the heart and mind of one who is dedicated to the local government, a confidence in the ability or willingness or desire of the states to help solve these problems. There has been little evidence amongst the various states that they are in any way willing or able to pitch in and to help take these problems. Yet, so many of the Federal programs, by law and custom, have to come down through the state government.

We so often find, upon inspection, formulas that are developed for the allocation of Federal monies, or Federal programs that are developed by the state, and they somehow or other seem to take too much or most of this money away from the urban areas, away from the problem areas.

There is one small example in the formulas for the distribution of money for mental health. They have plugged into this formula the sales tax collections, county by county, area by area, as an indication of the local area's ability to pay. In an area such as Miami, a tourist area, nothing could be further from the truth, and it distorts the whole picture and diverts the flow of money for this important program away from the very areas that need it the most. I think that there have to be rather drastic changes in the building loan policies of the Federal government, the FHA, and the various programs run by HUD.

## **Cross-Purposes Again**

Here is one small example. When the FHA agrees to guarantee a mortgage on an apartment building or a housing development, as far as I know, they make no effort to check whether that proposed development conforms to the local master land-use plan which, in most cases, has also been developed with the assistance of Federal monies. The attitude is, "It is a good thing economically. Here is your money.



Go ahead, go to work." Then you find that the local government official is faced with a zoning request for change — and it is pretty potent stuff to sit as an elected official and have somebody come in and say, "I have got a mortgage commitment. I will add to your assessed valuation so many million dollars. Isn't that great?" And it may be committing one hell of a mess for everybody to live with thereafter.

I think this kind of policy has to be looked at. By the same token, if we are going to have what I would call economic integration in our building development, there has to be a change in the policies which directs that this housing development is going to be all houses of the \$15,000-\$16,000 variety. There must be a mix of economic levels provided, rather than the insistence by the loan agencies and by the developers that this will be a monolith, economically.

I think that the local governments need the assistance of the Federal Government in technical research in areas of building, and in garbage collection and disposal. The worst problem we are going to face as a society, I believe, is the simple problem of garbage collection. Disposal is bad enough; however, there are answers for that. But I don't know of anyone who is raising his son to be a garbage collector. What are we to do with this tremendous increase of waste that we generate as a society? We cannot go back to the backyard incinerator, like people in Los Angeles did. We are going to have an awful problem just collecting garbage and bringing it to some reasonable point of disposal. We need research in collection of garbage and in where to go in the area of health and hospitals. We need to know the long-run impact of Medicare, Medicaid. We need to know what it is going to mean — if it will mean the eventual elimination of the public hospital, as we have known it for so long. We need to know this in order to plan. Hospitals, as you all know, are an extremely expensive service and facility.

By the same token, there must be an increased willingness and ability on the part of local government to meet its responsibilities. This means securing competent personnel. It means a willingness to spend more money at the local level to meet increased Federal participation. It also means, in my opinion, more importantly than anything, something that is going to protect the good elected officials who come along at the local level. I think one of the tragedies on the American political scene is the alarming rate at which good men get gobbled up by the facts of life at the local political level. There are more good people than I have seen in my lifetime who, because they did what needed to be done, have been cruelly punished in the local political arena, and certainly my advice to anybody who aspires for higher office — a governor or a congressman or anything like that — don't start off as a city councilman or a county commissioner!

MR. DOUGLAS: I started as a county officer. This is where I wound up, though.

MR. HOMER: . . . because I feel that there is a large mortality rate amongst people who go into this tough business of trying to do a job at the local level. Thank you very much.



MR. DEGROVE: Thank you very much, Porter, for not only a precise review of what Metro has done, but some interesting and stimulating ideas.

Now we go to our third and final witness this morning before the Commission itself raises questions. He is Mr. Arthur Snyder.<sup>1</sup> Mr. Snyder was one of the originators and Co-Chairman of the Joint Liaison Committee, consisting of three municipal officers and three Dade County officers, from its inception in 1965. Today, he is a senior law partner in the firm of Snyder, Young & Stern, and we are certainly pleased to have you with us, Arthur. I am especially pleased, since I worked with you before.

### STATEMENT BY ARTHUR SNYDER

MR. SNYDER: Thank you, Chairman DeGrove, Senator Douglas, Senator Pepper, and ladies and gentlemen. I have always maintained it is best to speak last. But, unfortunately, I have to reverse the position. I now have to throw away a prepared speech and talk on the subject that I have not prepared for particularly, because of what has been said by the two prior speakers.

Of course, I don't blame Mr. Homer for switching his last five minutes to an appeal, and I would like to add one thing. The only Federal project that I know of that is important at the moment is this 221(h) housing for which the government is providing 3 percent mortgages through our local FHA director, Mr. Wilcox, who is doing a good job on it. But, inasmuch as I put in a plug for that, I have now got to tell you what I am going to say here this morning.

You know if I say I am anti-Metro, it is like saying I am anti-motherhood. I have maintained in every speech that I have made throughout Dade County in the last five or six years — and they have been numerous — that I am pro-Metro, but I have never been able to get the news media to believe that. I cannot argue with Mr. Homer, because I like him very much personally, and this is an unfortunate situation also. You see, I appear on television and radio and before various groups with a Mr. Dan Paul, a local man who is also quite good in reapportionment suits, and I don't like Mr. Paul, and it is wonderful because I can really blast him every place I go.

Now, Mr. Paul is not only pro-Metro, he is a pro-consolidationist, and I think therein lies the difference. My problem, in listening to these very good speakers prior to me, is just sitting back and trying to analyze what they are saying, as far as you gentlemen are concerned who are on this Commission. What they said, in effect — taking all of their wonderful prepared material — they are saying that urban problems have to be solved in an urban manner by some sort of govern-

<sup>1</sup> Formerly Municipal Judge of North Miami Beach; Mayor of North Miami Beach 1963-67. Past President of Florida Municipal Judges Association and of Dade League of Municipalities and Dade County Council of Mayors. Native of Ohio, attended Columbia University; law degree from University of Miami.

mental agency which is over a large enough area to make it feasible for these programs to work. That is basically what they have said, and that is basically what Metro is, and, I imagine, the experience in Nashville is.

## Assessment of Home Rule in Dade County

I have never had an opportunity to speak to Mr. Horton before, or even know too much about Nashville's type. My basic complaint about Metro is that, in doing what they are attempting to do — which is basically good — what they are doing is legislating a government of "mediocracy." You are taking away government by the people on its lowest grass-roots level. I was amazed that — and now I understand why — Nashville was successful, and I understand why Metropolitan Dade County government is doomed to failure, and I honestly believe it. That is the conclusion starting at the beginning. The reason it is doomed is very simple.

Number one, it was misrepresented when it started. And number two, there is a basic dishonesty in area representation. You see, my gripe is that everybody here — and I noticed the reaction when Mr. Horton's qualifications were given regarding his involvement in this one-man, one-rule, one-man, one-vote, concept — Dan Paul and everybody in Dade County, and even the newspaper media here, offer this one-man, one-vote, but not for Dade County. They want it for this State, for this country, for this Legislature, fine, but not Dade County. I will explain it to you in a moment.

You see, when Metropolitan Dade County government was first voted into being, it passed by a very small vote — which is usual under the circumstances — but it was sold on an obviously insidious type of gambit by the local media. And it was based on the idea of home rule. Everybody says, "Why go to Tallahassee to have your local laws passed? It is so ridiculous. We have so many urban problems here. Let us resolve them on the local level with people that are related to this problem." Great. Nobody can argue about that. Everybody I know in city government is for that particular form, and that is the only reason — in my opinion — why Metropolitan Dade County is in existence today, because the form of Metro government here is impossible, absolutely impossible — because they compromised their original position.

Now, I imagine in the art of government, we all know that compromise is essential. Perhaps that is why I am out of government. I don't believe that compromise is the particular answer. I will get into the Joint Liaison Committee in a little while. When the charter was first put in, they had a group of very intelligent Dade County people, including Mr. Dan Paul, who is intelligent — in fact, he was the attorney drawing the basic charter document — who said, "We had a Legislative Delegation<sup>1</sup> investigation." They did not want to call it an investiga-

<sup>1</sup> The Dade County Legislative Delegation, consisting of 14 State Representatives and a Representative and Senator as co-chairmen, was appointed at direction of the Florida State Legislature in 1965 to study the application and effect of the metropolitan Dade County home ruler charter.

tion of Metro. They said it was — I don't know. What was that, Professor DeGrove, that they called it?

MR. DEGROVE: A study.

MR. SNYDER: A study, yes. It was an investigation, but they called it a study. There was an attempt in our Legislature to divide Dade County into three counties. But our whole Legislative Delegation group got together down here, and they interrogated every original charter member, and every single charter member who helped draft this charter stated the concept was that the city's autonomy be maintained. Not one single person, other than Mr. Paul, would indicate that there was any other intent at all. Fortunately, Mr. DeGrove sitting here was on that particular investigation and heard all the testimony. I went to about 90 percent of the meetings. What they said was, "We will not interfere with the city's autonomous functions. However, in fact, in order to do away with the cities, you have to have a vote of the people within the city."

Well, they did not attempt that. Other than the City of Miami, I believe, none of the cities are afraid of their vote. If we were to have a vote in any one of the cities today, I am sure that it would be overwhelmingly to keep their city government.

However, I admire Tennessee's attitude, because they went all out — you either consolidate or you do not, or you set forth a division of responsibility — but here in Dade County, they have not done either. So, what has happened? As each County Commission comes into being and they start passing laws, they start raiding the autonomy of the cities by various legislation.

Now, over the past 10 years, these raids have been very numerous and only because of the concerted action of the cities, were we able to knock down these particular types of legislation that would knock out the cities. Now, my main gripe with Metro is that — I guess it was about 1962 — the Metro Commission said, "Well, this problem is really rough and we are not able to cope with it. Therefore, let us set up a study group." It was similar to the study group that is now here hearing this testimony, only on a county level. They took for their Chairman, Mr. Emil Gould, who was then the head of the Advisory Board for the entire county, a complete County Board, and said, "Gentlemen, look into this problem and find out what is the solution. What are we faced with under Metro government, as far as consolidation or things like this?"

They spent two and a half years. They really did a good job. They interviewed everybody from the south end to the north end of the county, and east and west. They called us all together when I was President of the Dade League, together with the entire County Commission, and the entire Council of Mayors. And everybody sat down and we all agreed this was a wonderful piece of work that was done, and what it said in effect was two things, really. It said, "It is obvious that government closest to the people is the best, that local government can do things better than county government, and in some areas county government can do things better than city governments. Therefore,



since we are under a metropolitan type of government let us put up a divisionary responsibility.

As Mr. Homer was talking about the situation in garbage disposal: it is the county's responsibility to dispose; it is the city's responsibility to collect. They went down the line on every single governmental function and said, "This is the only way, and you are going to have a service center concept, whereby you can contract either with the local government, or the local government can contract with the county government. Whoever can do the job the best, let them do it."

This was reported to the Dade County Commission, I believe, in April of 1964. It immediately was completely ignored. The only time it was brought out of mothballs was when there was an attempt in the Legislature to divide up Dade County, because that is how bad the situation had become here.

Now, this is before Mr. Homer's advent to the scene. You know it is a funny thing that government is a government of personality. If you like the people and can get along with the people on the two levels of government, you can accomplish something, and I think that is being done here in Dade County today, but I do not think that this is the basic problem. The problem is that in Nashville, even though they have problems and will continue to have problems, and we have problems and will continue to have them, the machinery is different. We are either going to have in Dade County an actual division of these responsibilities, as set forth by this County Committee on the Planning Advisory Board, or we are going to have to have complete consolidation.

I have already told you how I feel about complete consolidation, even though it is more efficient. It is, in my opinion, a very impractical approach in Dade County. Number one — and I have had this discussion with various county people — if you were to consolidate Dade County tomorrow, I think Mr. Homer will agree with me that within six months Dade County would be bankrupt. You cannot put the administration of all of this urban-type relationship under one thing, with its tremendous impact of taxing consequences, without having some preconceived plan.

Let me tell you another reason why Metro is a problem child. The drafters of this charter did not realize that. You know, there are some elected municipal officials around Dade County who, whenever they refer to Metro, refer to it as the two-headed Metro monster. Of course, you see, we have two factions in Dade County — I am not on either side — the one that says consolidation, regardless of the consequences, and could not care less, and they have not got the slightest concept of the problem of consolidation. These forces have been here for a long time.

Then we have the others who would like to get rid of Metro immediately. They cannot stand it because it interferes with their own little individual municipalities.



## A Two-Hatted Government

What they mean by this two-headed monster is that in this county — and I don't know that it exists in any other county in the world — we have a two-hatted government. They wear two hats. The same table, same day, they can switch within seconds. Now, I will explain to you.

For the unincorporated area of Dade County, they have the municipal government, no more, no less. They legislate for them, they are the Appeals Board for them. They have all the functions of a city government, absolutely all of them, without the taxing powers of a city government, which is a real problem — but they have all the responsibilities. On the other hand, they are supposed to be the Metropolitan Dade County government for the entire county, with all of the collective problems that affect all of us. Now, this is difficult.

I was the Mayor of a community in North Dade, one of Congressman Pepper's finest cities, and we were on 163rd Street, which is probably going to be one of the heaviest traveled in the United States very quickly, because it is the terminus of the Sunshine State Parkway. It is a direct access to all major roads to Miami, and it will be the main access road to Interama; so, this is a very heavily traveled street. Right now it is a four-lane, divided highway and it will be a six-lane; but the situation develops that on the south side of 163rd Street, for quite a distance, it is unincorporated county. On the north side, it is city. On the north side it is very much undeveloped. The reason that it is undeveloped is that we refuse to drop our zoning.

On the south side of the street, however, where the county is the Zoning Board and has the control, you will see the most horrible conglomeration of welding shops, garages, gas stations with signs 80 feet in the air, hot dog stands, drive-in restaurants, all of which are not allowed by our zoning. Now, they are on the same street and, of course, we are the bad one. We don't have this on our tax roll because we refuse and, of course, we are accused of bad zoning, and everything that the county does is good. Everything the city has done is bad. Of course, this has changed, thank goodness, in the last few years, but it is difficult.

When I was the Mayor, how could I go down before the County Commission and say, "Gentlemen, you are my bosses," — and they are — "I have a problem with trash collection or with sewage disposal or with any number of things." I have to go down there and I have to ask them to do certain things for my municipality, and they listen and they deliberate, and then they act. But the next day, I have to appear down there and tell them what a bunch of nuts they are for not taking into consideration our zoning problems — I am talking to them as an equal, at this point. I do not consider them as my superiors when I am talking to them as a Zoning Board. It is the same vote I have on my Commission for zoning problems. They are no better or worse than I am. They have the same responsibility to the unincorporated areas as I do to the incorporated area.

Now, this was the mistake when the Metropolitan Charter was put into effect. You cannot have divided responsibility — and if you do have divided responsibility, you have got to say who has the responsibility for what. We have come a long way in the last couple of years. I guess if you cannot have the ultimate, you should have some means of arriving at some other method.

Back in 1965, we had a change in County Managers and, of course, this has a lot to do with it, too. Sometimes, you cannot get along with people; so you don't even make an attempt to.

We had a Dade League, and we wanted to have a private dinner without having the press there. It was the Dade League of Municipalities Board of Directors and the County Commission — as if anything private could be said before that large a group. We have 16 men on the Board, and they have nine County Commissioners, and the County Manager was invited and a couple of City Managers. We wanted to have it without the press for the simple reason that for eight years this Metropolitan Dade government had been floundering, absolutely floundering, and was getting absolutely nowhere because of the constant conflict between the cities and Metro. And, of course, we were immediately attacked. "We wanted to keep the press out. We wanted to have government in secrecy." Frankly, I do not believe in government by secrecy, but at certain times you have to get together with some people and get some sense in both heads and get started.

## **Joint Liaison Committee and Function**

Well, we had this meeting. The only thing I can say for it is that we did not have the attorney for Jack Daniels, but we had the meeting at a bar and there was sufficient liquor dispersed, not only to members of both boards, but also to the press so that we really got down to calling each other by our first names, and out of this came the Joint Liaison Committee: three men appointed by the Mayor of Dade County — I think that is the way it was — and three appointed by the Board of the Dade League.

Now, they started to meet. I think Earl Starnes was Chairman and I was Co-Chairman. If I have accomplished anything in public life, I think the best thing that has ever been done for me is that — although I am no longer a public official and don't intend to be — they have asked me to stay on the Joint Liaison Committee, and I still attend their meetings. They meet every month and the problems are discussed about the frictions that arise. And there are many.

In other words, if the County Commission gets a hot potato, or if something develops in the newspapers that could have a lot of problems to it, it is given to the Joint Liaison Committee for its analysis first. And, usually, for some unknown reason — really, this Committee has no real function as such, has no legal background, there is no code set up, there is no legislation making up this Committee — it works effectively, because the city governments respect it because their own

members sit on it. The county government respects it because three of their nine Commissioners sit on it.

. Now, I won't go through that year and a half, to tell what they have done, but every attempt to consolidate by legislation — which is exactly opposite to the charter — goes to this Committee and it is worked out. This single contractor's license that Mr. Homer talked about would have never gotten off the ground unless the Liaison Committee had taken it by the horns, and we took it back to the individual cities and said, "This is a good deal. Pass it." So, we have this situation. They have done a lot. I could submit it to you. There is a report out on what has been accomplished. We have central records; we have consolidated a great many services. We have a central emergency system now in our police and fire services. We have done much service, I think, for Dade County. But as good as it is, I think if you people are taking testimony, and if you are looking into the types of metropolitan government, the one thing that must be presented is that you have got to have efficiency and you have got to know what type of government you want. You have got to know that it is going to be representative.

Now, we could have consolidation tomorrow here in Dade County. We could have a vote, and I would say 85 percent of the people would be for complete consolidation and wiping out of every city in Dade County, if they would promise us one thing — which they won't, which the newspapers won't allow them to. There is something Mr. Horton said that I find absolutely amazing, because in Dade County they don't think the people have the intelligence to elect proper officials. In his government of the City and County of Nashville, Tennessee, he said they have 35 elected district representatives, five at-large. Gentlemen, we have nine elected at-large here in Dade County. It is an impossibility to maintain any control over them here in Dade County. Nobody can be elected unless they have got a fortune here in Dade County. If they were to say, "We will have nine Commissioners elected by district," you would have consolidation in Dade County tomorrow. But this situation does not prevail. We have had a form of districting here a few years ago that was not so good, so that was knocked out.

Let me tell you this, that our problem here — and anybody who says it is not a problem just refuses to face the facts — is that we have two complete opposites attacking each other. The majority of the people are in the middle. They want what is best and cheapest for them, and I think consolidation is, by a great deal, the answer. But I think it must be truthfully presented and there must be representation of the people. There is no representation of the people in Dade County for the simple reason that I, as a candidate running for the Commission in Dade County, would have to run in an area two and a half times the size that Congressman Pepper runs in. I don't know what it takes, Congressman Pepper, to run an election, but I, as an individual — unless I belong to somebody — cannot afford to run in Dade County.



I have personally filed to run for the State Legislature as a Senator in Dade County, paid my money. They changed the law, because at that time it was in districts and I could run in 25 percent of the county, in the Northeast County where I was known. But that was not enough. They changed the law to make it countywide.

Now, our State representatives run in an area two and a half times as large as it takes to elect a congressman. Therefore, I was through and, therefore, of course, I have no reason to say any of this, because I have no intentions of going into politics. I have had my fill, as Mr. Homer says, on the local level: one of the few to ever retire undefeated; never had a defeat in my life and I don't intend to on the basis that is set forth in this county.

They say that these problems, perhaps, have nothing to do with Metropolitan Dade County, and perhaps nothing to do with the subject matter at hand this morning. But I maintain and I guarantee that if you ask the political analysts or members of government on your panel — of which you probably have many — that this is the crux of the problem. This is the problem and this is why, perhaps, they are much further ahead in Nashville than we ever will be in Dade County. And until this is resolved and until the municipal people are convinced that they are not only giving up their sovereignty as a municipality, but are also giving up their right to any self-determination of government, we will never have peace in Dade County. Thank you.

MR. DEGROVE: Thank you, Mr. Snyder, for a candid and frank bit of testimony. That well expresses a point of view that is held by many people in Dade County.

Senator Douglas, I wonder if you would like to say a word.

MR. DOUGLAS: No, I don't want to say anything. But I want to introduce someone who really does not need any introduction, former Senator Claude Pepper, who served many years in the United States Senate and now has been promoted to the House, where he is a very distinguished Congressman, and a member of the Rules Committee, which is the inner governing body of the House. It is a super-secret club which determines the whole course of legislation, and the people of Miami are very fortunate in having someone close to the seats of power in the person of Congressman Pepper.

When I came to the Senate in 1948, the two leaders of the Senate — intellectual leaders of the Senate — were Senator Pepper on one side, and Senator Taft on the other side, and the controversies between the two went on almost every day. And then I served on a conference committee on which they were both members — and I found that though they could berate each other, they could get along around the table.

Claude, would you like to say something?

#### STATEMENT BY REP. CLAUDE PEPPER

REP. PEPPER: Mr. Chairman and distinguished members of the Commission: A member of Congress the other day on the floor said that in

the prohibition days, a friend gave a little liquor to a friend of his, and a few days thereafter met him and asked him how he liked it. He said, "It was just right, just right." He said, "What do you mean, 'just right'?" "Well, he said, "if it would have been any better, you would not have given it to me and, if it would have been any worse, I could not have drunk it."

I would like to say that it is just right, wonderfully just right, to have my old and distinguished friend here, Senator Douglas, and this very fine Commission to honor us by coming to our community to study with us the problems of making our government most effectively try to achieve the legitimate aspirations of the people.

I could make a long speech about this great and good man, Senator Douglas, who honors us here with his presence and has agreed to chair this important Commission. When you were talking about tragic mistakes that were made at the local level, everybody was thinking about an even more tragic mistake that was made at the national level, when Senator Douglas was not returned to his great leadership in the United States Senate.

It is said, "The voice of the people is the voice of God," and, like God, the people give it and the people take it away. Blessed be the name of the people. So, that is how it is, regardless of what tactics are used sometimes in inducing the people to make such a tragic mistake. But the name of this great man will live in this great country in its records and in its idealism as long as American shall be the kind of a country that our forefathers attempted to establish. The great thing about it is that he has no terminal failings. His longevity is indefinite, and I hope eternal, because his name means so much and the great work that he is doing for this country. The very fact that Paul Douglas — as he is affectionately known — is still carrying on is an inspiration to millions and millions of people in this country and other parts of the world.

Senator Douglas, you know how honored I am and how grateful I am to have your kind words about me personally.

We all know, of course, from time to time, people experiment with different methods to try to achieve what they wish to achieve in public endeavors.

We have seen our City of Jacksonville to the north, and the County of Duval, as I understand it, substantially follow our example here by integrating the city and the county governments and having what we regard as a metropolitan government.

Fortunately, as I have heard my good friend, distinguished former Mayor Snyder, say here today, due to the fact that the men who were serving the leadership of their people and municipal government and county government, the fact that they all recognize this — that they were all trying to serve the public interest — some of the frictions have been diminished. I feel that there is a closer accord and greater degree of cooperation today — each one attempting to serve the public interest in its own sphere, as well as possible — than we have had heretofore. I have enough confidence in the wisdom of these men who are in

authority in these positions, and in the people, that we will finally adjust these differences and evolve a cooperative system here that will give the people the best governmental expression.

## Where Is Machinery for Overall Attack on Problems?

There are just two things, besides one little factor about the crime situation, that I would like to comment on, Mr. Chairman, if I may.

One is that even with our Metro government, with all of our splendid municipalities — and I believe we have 27 or 28 in the county — we still have the problem of how to mobilize the intelligence and the dedication to meet a challenging problem of the people of this County.

When I was here two or three weeks ago, I thought I was going to try to get together a group of representative citizens to make an analysis of our problems here in this county, to see what we can do to prevent the breaking of our rights, to prevent the coming about of violence, and to alleviate and improve some of the deplorable conditions that we have.

Well, now, this is a multifaceted problem. There are many, many aspects of it. It is not just a single overall problem, but many various attributes and elements constitute it. Now, who can we go to if we want to try to get the local community to analyze our problems and come up with local recommendations that we may submit to the Federal Government, which will say that these are *our* problems; these are the things we can do at home to meet these problems, and these are the things that are beyond our reach. We need the help of the Federal Government, and we would appreciate it if you would try to induce the Federal Government to supply these things that we cannot do for ourselves.

Now, who does that? Can you do it in any governmental structure that we now have? Would my distinguished County Manager here, Mr. Homer, feel that he would be justified in making an analysis of all of the problems of this county and bring together a representative group to examine the most vital factors. But the same thing applies to the Federal Government. Mr. Homer brought out here awhile ago that sometimes, even in the same department of the Federal Government, various agencies do not seem to be working in accord. And, as the able Senator knows, we have a saying in Washington that we wonder whether all the agencies and departments are working for the same government, or not.

Now, I don't know of any Federal machinery at the moment which will integrate all of the Federal programs, or at least bring them into accord. Maybe they do have a Federal council where the agencies meet.

The Senator will remember that during the war we had some kind of central authority that tried to accord all of the Federal agencies in a state in carrying forward the program, in carrying on the way to win the war. We had an example of what you can do when you do that



a little bit ago, when we had the second influx of Cuban refugees. There was a good example.

The first wave dislocated our community economy here quite materially. A lot of people of low skills were ousted from their jobs by the Cubans, who had better skills, and there were a good many impacts from that humanitarian program — of which I heartily approve — on our part of the country and upon our people. So when we got knowledge from the White House that a second wave was going to be invited to come, quite properly, we and the Congress were asked what our reaction would be. We told the President that we thought it was the right thing for the President to do, for our country to give sanctuary to these people who are pressed by tyrannical Communism in Cuba, but we did owe a duty here to the people we represented to try to see to it that the problems the refugees imposed would be fairly shared by the country whose policies they were coming under. They gave us assurance, and we recommended that a coordinator of all the Federal programs be named, at Cabinet level, so somebody would have a chance to speak with authority and to report back to the President.

Well, the President said he thought we were right about it. He made a very happy choice of Secretary of Health, Education and Welfare, Mr. Gardner, one of our best men in government. He became the coordinator. He came down and met with us and we had our local representative present, and for the first time we had coordination at the local level and at the State level. One of our distinguished private businessmen, Mr. John V. Turner, who is now retired, represented the local group, and Mr. Gardner represented the Federal agency, and those two, working together, very much minimized the unhappy economic and other aspects of the second wave of refugees.

According to the information I have now upon the subject, the Model Cities Act is better, I believe, than any other that has been enacted by the Congress. That program is not from the Federal Government down. It is to help the local government to carry out plans that it had promoted and proposed. So, I wish there was some way that we could find the machinery, other than just bringing private citizens together with the public representatives — that somebody can sort of speak for the whole community about all of the problems of the community and, in that way, I think we could better coordinate.

## **“Public Protector” to Deal with Local Crime**

Now, I relate that just briefly to the problem of crime in the slum areas that we have. Our Housing Authority has done a good job on the whole here. I went out two or three Sundays ago with some of my Negro friends and constituents and I said, “I want to see the worst area in my district,” and we spent a whole Sunday morning going over there, and then sat down and talked.

Now, they opposed the extension of public housing in certain areas because they said it used up the playgrounds of the children’s recrea-

tional areas, and, by the way, Mr. Homer, I have been intending to get in touch with you about that. They do need more recreational areas in our county, especially in the congested areas, and we need more equipment where we already have the playground itself; and the other thing you mentioned is the problem of sewage.

We had a rat-control bill up in Congress that a lot of people made made fun of, but who are not troubled with that. They don't happen to live in an area that has that as a problem. I am afraid they are oblivious to the fact that a lot of people do. It is not funny to have a rat gnawing at a baby in a cradle, but some members of the Congress seemed to think it was funny to talk about a rat-control bill.

We all know about the garbage — I saw areas, Mr. Homer, out here in my district, where garbage had not been collected for some time. They have big boxes or containers which the people are supposed to dump it in. It had not been collected for some time, and in many places it was scattered all over. Weeds were permitted to grow high in a lot of these vacant lots and areas, and you can see what an atmosphere there was.

Of course, it breeds rats. The rats come there to get food. I hope that some way you will try to get the utmost cooperation to try to clean up that garbage, maybe make regular collections and keep it from being littered over the ground and the like.

Now, the last thing I want to suggest is this, Senator and members of the Committee. The problem of crime is one of the challenging problems that we have to meet in this country. I introduced a bill to set up a joint committee to investigate all aspects of crime. We have now about 60 members of the House and 21 Senators, who have introduced companion bills, but there is one thing I think that would be a valuable addition to the municipalities, and perhaps to the county government, and that is to create a job of — for the lack of a better word — Public Protector.

Mr. Homer has everything that has to do with the management. Suppose you had one man — and I would not want him paid less than \$25,000 a year, to get a good man that would have the respect of the community — and have that man's job to be protecting the people against damage to their persons or their property.

Now, this man's job would be the whole spectrum of the crime problem. He would have a small staff. He would be more of a supervisor than he would an administrator. He would be more of a counselor, but he would have jurisdiction to inquire: How can we have a better police force, how can we have a better slum elimination, and what about crime — I mean, the anti-social, sociological indications that occur in a child in the tender years that really are a form of abnormality and need to be treated, or at least observed, so that child may not later turn out to be a killer or a robber or a burglar.

That man I had in mind would have the prestige to go before the civic clubs and the religious groups and to the press and the other parts of our community and say, "Listen, it is not my job to eliminate slums.

I am not one of the glamor agencies in public funds. I am trying to save you and your family from injury — or your property from loss or damage. If you don't do something about these slums, murderers and burglars and robbers are coming out of them. Children's minds and characters are being twisted in this environment. I am just talking to you about helping yourself. I am not a bureaucrat trying to build a big name by rebuilding slums. I just don't want you to get hurt. I don't want you to get killed."

During the time that we had the crime bill up a couple of years ago, Representative Willis of Louisiana, who was handling that bill on the floor, assured me that the Federal Government could participate in paying such a person, and I mentioned to some of the Mayors about trying it out in our area. I think you can get Federal help, if you recommend to the Federal Government that you would like to have such a person who would be looking at every facet: Are the courts too slow? Do we need more Federal judges? Let him come out and say so. I just venture to mention that because it does relate to the organization of problems of our municipal government. Thank you very much.

MR. DEGROVE: Thank you so much. It was our good fortune this morning — and I mean this in complete sincerity — to have four distinguished witnesses instead of three, and we are grateful for it.

After the stimulating testimony presented by our witnesses this morning, I know the Commission members will find it especially difficult to confine themselves to a ten-minute or less time period as you direct questions to the witnesses. I hope that we can wind up for lunch about 12:15 and that we can have time for presentations from the floor, as outlined by Senator Douglas. So, I am going to start with Commissioner O'Neill.

## QUESTIONS BY COMMISSION MEMBERS

### State Constitutions and Urban Problems

MR. O'NEILL: *This question is addressed to all three of you and it concerns the State Constitution.*

*In New York State today, we have a constitutional convention and it appears that political expediency is effectively preventing the new New York State Constitution from being sensitive to the regional needs of the State in the next quarter of a century.*

*In other words, local parochialism is effectively preventing the members of the convention from drafting a document that would work well for a state like New York in the future.*

*So, the question is, in Tennessee and in Florida, I note that the effective date of the present Constitution is 1870, and it is one of the shorter constitutions in the United States. Only the New England States and Indiana and Kansas have shorter constitutions.*



*Mr. Horton, you said that it was relatively inflexible, and I want to know — number one, do you plan a revision of the Constitution or a constitutional convention within the next five years? And, number two, how easily can any state constitution be changed so as to make urban involvement a necessity, when a metropolitan center wants it and really needs it? And can you also include in the state constitution a provision that will guarantee representation by district or by population?*

MR. HORTON: Well, I will start in reverse on these questions.

We in Nashville-Davidson County were in the courts for eight years, educating and instructing the Tennessee Legislature on what the State Constitution meant. They finally reapportioned both houses: one man, one vote. The Constitution is difficult to amend, but this is not a bad feature, because basically, it is a very sound document. It has some antiquated sections, but it does not freeze a lot of legislative responsibility into the Constitution.

The State Constitution does need a major overhaul in the area of taxation. This is our most serious area of deficiency, and we sincerely hope that there will be a limited constitutional convention to work on the tax problems, beyond what the State is now attempting to do, to take up to the maximum advantage of the existing Constitution. We cannot have a State income tax in Tennessee. This makes it quite difficult to finance many services.

Concerning the problem of the State's handling its duties and responsibilities to local government, I think Tennessee has really done more in the last six or eight years to try and understand the problems of local government. Through the intergovernmental committee of cities and counties, we have agreed to disagree in certain areas, but we have identified areas of mutual interest and concern. And the State Legislature — with the Governor's support — has adopted major new legislation, improving local government and recognizing the regional role that a state should play.

We feel that there are areas for further improvement. In Tennessee, we have made major improvements in the area of local government reform.

The Governor has supported our unique city-county consolidation legislation and the Governor has supported a series of city-county supported programs to broaden the authority and jurisdiction of local government.

We have had two Governors leapfrogging each other for about 16 years, so we have had continuity in programs and policies at the State level.

MR. O'NEILL: *Mr. Homer, what about the Florida Constitution?*

MR. HOMER: Well, right now, we have our State Legislature in a constitutional revision session, and we are all sitting here with crossed fingers and bated breath, watching what is happening and not happening.

MR. O'NEILL: *Do you know whether the question of metropolitan areawide government has come up in that revision?*

MR. HOMER: Oh, yes; it has come up and it has been discussed and debated back and forth in terms of home rule for counties maintaining sovereignty for cities: It is coming up in the area of taxation for local governments, and so on and so forth.

It is also coming up in terms of relationships, financially, between the State and local governments, the State and education.

Here in this State, the greatest platform is to run on a basis of cutting taxes. Don't worry about anything else. Everything else will just take care of itself. Obviously, this does not work, but it does get people to elect them.

I have followed your situation up in New York for a time with a great deal of interest. I think that probably a large part of the difficulty there is that too many of the people who are elected to your body for the constitutional revision are people who are also preeminently political people, who have a primary allegiance to their political party, and having worked in New York State, I found out that this was a way of life up there. A political party is the first thing, and every other thing comes after that.

MR. O'NEILL: *Especially with those Republicans upstate.*

MR. HOMER: Well, that is right. Don't forget the Democratic enclaves that are located up in there. So, they cannot go anywhere up in New York State.

MR. O'NEILL: *Mr. Snyder, in your view, how does Jacksonville metropolitan government differ from Metro here in Dade?*

MR. SNYDER: Well, as I understand, Jacksonville is completely different because they put a vote to the people and they said, "Do you want to consolidate into one government, or don't you?"

Three cities — and of course I only know from what I see on television or get in reports — three small communities on the coast, normally more of the type of Miami Beach, but on a smaller scale — tourist-type cities — voted that they did not want to become part of this metropolitan government. The rest did, so that you effectively now have the city and county government of Duval County or Jacksonville — whichever you prefer — with the exception of the three cities that voted no — and that is what they should have done here.

MR. O'NEILL: *Do they have representation by district?*

MR. SNYDER: I don't know. Do they have district representation?

MR. DEGROVE: Partially.

MR. O'NEILL: *That is all I have.*

## Local Zoning Under Metro

MR. BLACK: *Would you explain to these gentlemen the relationship between Metro and the various municipalities with relation to zoning?*

MR. HOMER: That is a hodgepodge.

MR. BLACK: *Yes. Well, I wanted you to —*

MR. HOMER: The county handles zoning for the unincorporated areas, while the city handles zoning for each of the incorporated areas.

This does lead to the kind of problems that Mr. Snyder referred to earlier, where the boundaries are coming to a clash. There is some attempt, through the Liaison Committee, to set up standard zoning classifications and to work out some liaisons on these problems. But, basically, you have 28 zoning jurisdictions in this one area, and you get 28 different approaches.

MR. BLACK: *Who has jurisdiction over planning?*

MR. HOMER: The county has the countywide planning operation. They work with a few of the larger cities and have some planning operations, and many of the Federal 701 grants come through the county for planning in the local area. I would say there is more coordination here. But I am afraid that planning, as such, on the American scene, at the local level nationally, has been a pretty weak crutch, as far as being effective.

I think this is why we look at the local level through things like the CRP [Community Renewal Program]. It is a more definitive type of planning arrangement. Planning has simply been preoccupied with land use.

As previously indicated, so many of the agencies — private or public — that make decisions as to actually what happens to land, pay no attention to it, and this is partly, I think, a reflection of the inadequacy of the planning. It is also partly a complete laissez-faire on the part of community development.

MR. BLACK: *What effect, if any, do the 29 separate jurisdictions have in relation to zoning — and in relation to zoning, what does this hodge-podge do to planning?*

MR. HOMER: Well, it is pretty much left to the discretion and the conscience of the local municipalities as to whether they are guided by the plans that are developed on a countywide basis.

This varies from city to city, and it varies from case to case. There are several cities who do ask for zoning from the Planning Department, who do look to municipal guidance as at least one of the elements of their consideration. Some pay no attention to it whatsoever.

MR. BLACK: *They all have copies of the Plan, but they do not necessarily follow it?*

MR. HOMER: I am not sure all of them have copies.

MR. BLACK: *Would you give the Commission members some idea as to the largest area in population and the smallest in population?*

MR. SNYDER: Islandia, I think, is the smallest.

MR. BLACK: *The Mayor of Islandia, as I understand it, pulled the Governor off the reef that the United States Engineers put him on the other day.*

MR. SNYDER: Then you have about 250,000 in Haines City.

MR. BLACK: *You mentioned some legislation that you said had been introduced in the county commissions that, from time to time, would knock out the cities. What legislation were you referring to?*

MR. SNYDER: Oh, they pulled a beauty about a year or so ago. They tried to put through the Uniform Penal Code. This was a lulu. Whoever is against the Uniform Penal Code is against motherhood. Doesn't



everybody want to have the same right or the same justice? So they went on, until you read it, and then we finally got to the point: Not only did they want to take away the jurisdiction of the city courts, which was all right — they had the traffic under one court, which has worked out very well. But, in order to do this, they put a little gimmick in that in order for the county to enforce the regulation. Let's take the zoning regulation, for example — you have got to have one-and-a-quarter cars per parking, and if you don't, or if you have a building violation, you are going to be brought into a court and made to pay, or be tried on it.

So, they said in order for us to effectively have the courts, we have, of course, to adopt an ordinance which will say that we can, in effect, adopt your ordinances. The question that was put to them was, well, what happens if you don't like our ordinance? Well, then, we just won't adopt it. Then, there is nobody that can enforce it? That's right.

In other words, they were doing indirectly what they could not do directly. They cannot abolish the cities, so they are going to take over enforcement of every city ordinance which is their ordinance, which says that theirs was to be over all others, and that would immediately give them complete control of any city government.

We brought it out and, of course, it was already passed before anybody got to the full knowledge of what it was. Of course, we straightened it out. I don't recall — I think that was one of the reasons the Liaison Committee was formed or became effective, because even the County Commissioners on the Liaison Committee realized, when they took a hard look at it, that they had been bamboozled into not getting a Uniform Penal Code but getting effective control of every city in Dade County through the means of enacting this code.

This is the type of thing we had to stop.

Another thing was that they tried to pass a uniform fire code. Now, you say, "Well, what is wrong with a uniform fire code? My God, you would think that everybody in the world would be in favor of a uniform fire code." What was wrong with it? They only follow the charter when they want to. The charter says that the County Commission has the right to pass minimum codes. So, they interpreted it to mean uniform. Now, I happen to be the Chairman of the Subcommittee of the Liaison Committee that got all the fire chiefs together to find out what was wrong with this. And after we got together and met with the County Commission, we found that, by passing the Uniform Code, the City of Miami would have to lower their requirements in many areas.

The City of Miami has the number one rated fire department in the United States. The county's fire department is down among the lowest, because they have less urban area to control than the cities do. So, after a couple of months' deliberation, the Liaison Committee brought it out and said, "Well let's just change the word on this. Let's make it a minimum code," and everybody was happy. But the use of a standard code, where each city has more stringent requirements, is not good, because each city has their own problems.

The county should pass and enforce a minimum code. Anybody who violates that and cannot maintain it — well, there are provisions in there where the county will take over jurisdiction of the cities that are not able to police this program, but in the main, it has worked out fine. These are the types of legislation that appear, that the cities have to be on their guard not to get knocked out.

Now, I still do not maintain that they, perhaps, should not get knocked out. There are some cities in Dade County that are just too small. They just should not be there. There is really no sense to their being, when they cannot afford to maintain and hire adequate personnel to run the city as a city should be run. When they cannot do this, then they should no longer be in existence. We have some here. The only problem is that the cities won't admit it, because they are involved in this fight.

MR. BLACK: *Thank you, Art.*

## Move toward Coordinated Planning

MR. BAKER: *Mr. Homer, Mr. Black touched briefly on the matter of zoning. It would seem that it would be desirable to have a master plan of zoning countywide, in which the cities and the county could correlate any zoning or land-use plan, and in which they would have an opportunity to voice an objection or an opinion on the action of anything.*

*If I may refer to my own county for a moment, we have everything zoned, and we have a coordinated program with the cities, so that no city will pass judgment on any issue before the zoning body until they have received a communication or had a personal appearance from a neighboring community or the county. As a result, there is organized development countywide. Is there such a plan here? Does one exist, or is there one in the process of being formed?*

MR. HOMER: I think we are working in that general direction with the Liaison Committee. The first step they are taking is working towards standard classification and the same meaning in all zoning jurisdictions. But there is not, at this point, a really effective means of having the kind of coordination that you are talking about.

MR. BAKER: *Is the zoning nomenclature the same?*

MR. HOMER: No, no. The nomenclature is what they are working on now — to get a standard nomenclature.

MR. BAKER: *Is there a master plan for the zoning of Dade?*

MR. HOMER: They have a master land-use plan, which is a very useful plan. There has to be some flexibility; but there have to be some guidelines. Maybe I misinterpreted what you mean by a master zoning plan. We do have a land-use plan that is countywide, but we do not have a master zoning plan. I would have some reservations about locking in to that degree.

MR. BAKER: *Well, these problems vary from area to area, naturally, depending on the growth pattern and the growth potential. So, I can see your point there.*

*You indicated earlier that Metro government provides financial aid to the cities, and you have made reference, in several cases, to the City of Miami and the other 26 or 27 cities within Dade County. What type of financial assistance do you provide them?*

MR. HOMER: We provide the assistance of purchasing. We have worked out a provision of library service in several cities. We have worked out this workmen's compensation insurance program with several of our cities. We are providing countywide traffic engineering controls. We are moving to pick up the financial burden on arterial streets and arterial street lights for various municipalities on a complete basis. It is a gradual approach to things that are areawide in their impact and in their use, as they come through the various incorporated areas.

Some of the cities get very little of this kind of benefit, because of their location or size. Some of these are away from the mainstream, so you do not get this, and it is one of the problems that we have here. The financial equity has been slowly improving over a period of time.

MR. BAKER: *Metro licenses countywide, I understand. Most generally city licensing brings in revenue. Is this revenue that Metro gets returned to the city, or is it retained by the county? And do the cities still collect sales tax, or does Metro do this?*

MR. HOMER: The State of Florida collects the sales tax and they pretty much keep it to themselves.

MR. BAKER: *You mean the cities do not have the authority to collect the sales tax?*

MR. HOMER: No, sir. They are able to collect cigarette taxes and other taxes like this, but not sales tax. The State of Florida has not seen fit to share sales tax proceeds in any way with local governmental jurisdictions.

With respect to the licensing, the contractors' occupational license program does guarantee back to the municipality the income that they received before, and it does provide the advantages of one areawide contractor's license. They don't have to get one from 27 different jurisdictions, if they happen to be unfortunate enough to be building a project that sits astride a boundary.

## **Sanitation for Suburbia**

MR. BAKER: *Mr. Horton, you indicated a zoning upwards of 40,000 square feet to an acre and a half, limiting, of course, the growth density. This, I suspect, was brought about because, as you indicated, there was no porosity in the soil. Was this because you used septic tanks, or have you changed that and are you developing sanitary systems?*

MR. HORTON: Yes, we have. This is one of the areas where our Metropolitan government made its first move. We put the water and sewer system on a utility basis operated as a department of the government, and we are now in the process of building a \$120 million water and sanitary sewer expansion. We have spent in the last four years \$47 or



\$48 million, and we expect to encumber another \$15 million during the rest of this fiscal year.

MR. BAKER: *Are you now requiring that these septic tanks be abandoned or closed?*

MR. HORTON: Yes. We have this provision that when the sewer goes in front of your house, you are notified, and the sewer bill is 1.67 times the water bill (the Mayor put that on just ahead of the time of the election) but 90 days after that line goes in front of your house, you start paying the sewer bill, whether you hook on or not. And the Health Department checks very closely to see that you do not have any percolation problems. They will come and dump dye in your toilet facilities and it will turn your yard blue or yellow, or whatever color they happen to be using. If they see the dye on your overflow field this means that you have to hook on because you have a percolation problem.

The sewage problem is a major problem, because it is tearing up many of the roads. We are carrying that program on as rapidly as possible. It is opening about 50,000 acres of land that had to be jumped over, so, we are going to have filling in of planned mixed land use. We are going to have a variety of densities throughout the central city, the Urban Services District and suburbia, or throughout this general service district. We have the entire 533 square miles supporting health, parks, education, hospitals, libraries, parks — all the services that are needed countywide or already are countywide.

The central area of 72 square miles, the Urban Services District — what was the old City of Nashville plus the annexed territory — has garbage collection, residential street lights, Class 3 fire protection, and wine and whiskey supervision. This area pays an additional tax for these services. If you extend the U.S.D. area, the area has to need the service, and you have to be able to render the service within one year after the time you extended it.

MR. BAKER: *You wanted to respond to another question?*

MR. HORTON: Yes, on the zoning, we have six small incorporated areas that chose to keep their corporate charter, but we rendered just about all services. In fact, more services than they were rendering through the years. We tax them, and they keep their zoning, but they are working with us on a new, comprehensive zoning plan for the entire community. Four of them are exclusively residential, with no commercial whatsoever, and until we sewer them, they cannot support any greater residential density than they have. With the extension of sewer trunk lines into portions of these areas, they are undoubtedly going into apartment-house and multifamily development.

MR. WOODBURY: *Mr. Horton, you made a plea for some reconsideration of many Federal grants-in-aid. As I got it, you thought that they would often be more helpful to the cities if the grant-in-aid were not on capital outlay, but on operation and maintenance. How widely would you like to see this apply? Should it be, in your mind, across the board?*

MR. HORTON: No. I think that the Federal Government ought to be flexible enough to adjust its programs to a partnership arrangement, wherein it will permit some differences and variations to fit state and local situations. But I would like to say, the effort needs to be made to bring the state into participation, and also to commit the Federal Government to some portion of the operating and servicing costs on an ongoing basis. If they are going to encourage the facility, they have a continuing obligation to assist the program. The policy that they have in mental health of starting out very generously and then, in 51 months, backing out of the program, is no way to handle the problem of mental health needs. These are ongoing problems, and local revenue sources cannot absorb this additional responsibility and continue to meet the needs of their existing programs.

We are one of the five areas participating in Dr. Selma Mushkin's "555 Project" — the planning, programming and budgeting system.<sup>1</sup> I believe that this sort of approach will identify some of the areas where we cannot project an overall service program without the state and the Federal Government showing a little more commitment to long-range planning for services than at present. A six-month or one-year Federal program may raise public expectations to the point where, if it is not going to be continued, it may be more harmful than not having the program at all.

MR. WOODBURY: *We hear some people say that the price of the Federal aid is what they call Federal domination of the local agency and the local government. I don't particularly approve of that term, but let's use it. Would this suggestion of yours simply be a continued period of Federal domination or undue influence?*

MR. HORTON: We do not view the Federal Government as really able to dominate us (in fact we more or less say we are going to teach a course in how to fox the Feds). The Federal Government lacks the trained manpower to deal with local problems. We know more about our community than the young people that they continue to send into our area. Very frankly, this manpower problem gets me over into something I skipped over. The Federal Government keeps sending these bright young Master's degree graduates to rediscover the wheel. We have already done research on our local problems. We know what is wrong with our community. We can cover them up with about 80 or 90 pounds of reports and material. All we would like to have is some continuity in their programming, some assistance in training manpower, and something more than lip service to creative federalism.

MR. WOODBURY: *Well, it seems to me some consideration must be given to the revenue position of cities, without any question.*

MR. HORTON: I agree.

MR. WOODBURY: *But, whether this is best handled by a categorical grant —*

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<sup>1</sup> PPBS is a system aimed at helping management make better decisions on the allocation of resources among alternative ways to attain government objectives. The State-Local Finances Project, under direction of Dr. Selma J. Mushkin at George Washington University, is referred to as the 555 Project because five counties, five cities, and five states are participating in it.

MR. HORTON: I would say that it probably needs a combination. There ought to be — and I hope in the Model Cities effort there will be — some testing of this more or less block approach to financial assistance, based on some logical plan of both facilities and services to an area. The Federal Government is very generous, sometimes, in helping build facilities, but they do not really look at the local tax structure or the state's willingness to grant the authority really to provide the services that are needed and that could be rendered by these facilities.

Now, we have added a one-cent local option sales tax by vote of the people in Davidson County. All of it was pledged to education. We have doubled the school budget since the consolidation four years ago. This was another big emphasis: education, and sewerage and police. Twenty-six of the top 30 police officers of the City of Nashville suddenly took ill and took their pension just before the consolidation went in. The Federal Government has sent several of them down to their facility in Atlanta for not reporting on their income tax.

The Nashville Police Department — the old City of Nashville Police Department — was very corrupt. The gangsters from Chicago used to take a vacation in Nashville. But we brought the International Association of Police Chiefs into Nashville and we have studied our police problem. We are building — in a 10-year program — what we hope will be one of the best police departments in the country. We are a long way from it yet, but we are bringing college-trained people into the Police Department. We would like to have some help in training.

MR. WOODBURY: *A quick question. In what programs, if any, does the State of Florida give financial aid to the cities or counties?*

MR. HOMER: Practically none. The State Legislature just passed legislation for Medicaid programs and it was vetoed, just as one example.

Just one other example, and a very ironical one: While the State was cutting down on the money that they would provide for hospital care for indigents, while they were cutting down on the amount of money that they would make available for welfare payments, the representative of the State Welfare Department appeared at our budget hearing, asking that the county double its appropriation for a foster-home program that we run on a contract with the State welfare program, funded by local monies.

MR. WOODBURY: *And you have to finance your operating largely out of property tax, with homestead exemptions?*

MR. HOMER: Yes, sir.

MR. WOODBURY: *Thank you.*

## Effectiveness of Metro in Davidson County

MR. JOHNSON: *Mr. Horton, I would like to ask you if the governmental reorganization of Nashville and Davidson County has helped the City of Nashville as it is trying to cope with some of these central*



*city problems—specifically, public housing, the improvements of streets or the provision of sidewalks, curbs, sewers and other inner city problems of that sort, in some of the poorer neighborhoods?*

MR. HORTON: It has, to a considerable degree. There have been opinion surveys as to the effectiveness of this government in meeting service needs. We have this large Council—35 electives from districts out of a total Council of 41—and they dominate the entire Council's activities. It takes a lot of time. It is maximum feasible participation. The big, accumulated problems were in the central city. We have been resolving some of those complex problems.

Now, unfortunately, with money being as tight as it has been in the last year or so, we are not building as much low-income housing as we need. We are still getting considerable in-migration from other regions because of our very low unemployment rate, and the construction industry in Nashville is aggressively recruiting labor from about 40 counties and hauling them into the central area. This has put a strain on our housing. The Interstate Highway System has added to our problems. We will have 89 miles of Interstate inside Davidson County, with 44 interchanges, costing approximately \$220 million. It was planned to go through some of the older areas. It is being quite disruptive and we are having rather critical relocation problems. We are having a bit of difficulty explaining to the Federal Government that we cannot keep up with our code enforcement quite as fast as we would like to, because last year, for instance, the only way we could bring 2,000 units into compliance was to tear them down, and the replacement of really low-income housing did not match that rate of loss.

We need assistance in the low middle-income housing program. We would like to see the mortgage monies extended, this 3 percent, and perhaps a 4 or 5 percent mortgage encouragement, in certain of the central city areas—long-term mortgage assistance in order that you would get an economic mix, because this 3 percent system, as it is transmitted into our community, means that it just goes to people who cannot be reached in any other fashion.

There are people who would like to stay in the area, who would provide an economic mix in and around our 14 universities and colleges, particularly if there was a little more flexibility in the housing and mortgage plans of the housing industry.

MR. JOHNSON: *Thank you very much. On another matter—how would you compare the experience of Nashville with that of a border city of similar size that does not have the same kind of organization, in terms of the problem of school integration?*

MR. HORTON: We had two school systems to integrate and consolidate, but inside these systems we had a Negro system and a white system. With the merging of the two school systems in the 1958 Charter, we tried to explain how we were going to treat the school system. We wised up on the second charter. We told the two school systems that they were going to have a two-year transitional period, during which the two systems would be studied, and the best aspects of both systems would be placed in the new system. So that when you were out cam-

painging for the charter, whatever people thought was the best, you could tell them, "Well, you will have your chance to explain to the transitional School Board." As a result, we have a school system that is both psychologically and sociologically integrated.

After the consolidation of the Davidson County schools and the City of Nashville school system many of the staff were saying "we" and "they." The new School Director that we hired is as hard-nosed a School Director that you will ever find. He took the principals in the former city system and put them out in the county area and put the former county principals in the old city area. And he said, "The next time I hear any more of this "we" or "they," that is an invitation to a transfer. During the last two years there has been a great deal of togetherness and an effort to try to understand that we are trying to build an overall school system.

We have been putting most of our money into the schools in the low-income areas. We have reduced pupil-teacher ratios. We pulled some of the best teachers out of Belle Meade. That is our rich area in the community. We pulled a lot of their teachers out and made them supervisors and put them on an assignment of training young teachers. It did not make the School Director very popular in that area, but it has made for an overall improvement of our school program.

MR. JOHNSON: *Thank you very much.*

MR. DEGROVE: *Mr. Snyder, may I ask a question just to satisfy my curiosity? Would you buy — and do you think the county would buy — a consolidated government with a 20-man commission — 15 from districts and 5 at-large?*

MR. SNYDER: Yes, definitely. Only if there was some safeguard that there would not be a concerted effort within five years to knock out the districts, because that is how they did at the beginning. They gave district representation and everything and then, boom, off they went and knocked that out in two shakes.

MR. DEGROVE: *I was just curious about that.*

MR. HORTON: Our first charter effort would have provided only nine districts and six at-large. Now, the County Quarterly Court, the legislative body of the county, had 55 members. The City Council of the former City of Nashville had 31. So, there were 86 local politicians who all wanted a chance at running for this job. They opposed the first charter with the 35 councilmanic districts, five at-large, and a vice-mayor. They supported the effort because they felt, well, at least they could knock some of these other people out.

I was in charge of drawing the districts for the 35 councilmanic arrangement. I have deliberately stayed away from any knowledge of where these politicians live, so I could truthfully say, if it happened, "I am sorry. I did not know where you live." They did not change our proposal at all.

Our planning program in the charter has a provision that I would strongly recommend for any consolidated government. This is a government research fund built into our Metro Charter, a guarantee of \$50,000 per year mandatory fund that goes into mad money, in effect,

for the Planning Commission, wherein they can conduct any type of needed research and fund it, or use it to match national funds, without having to go to the county or any place. This is how we funded the research on *Baker versus Carr*. This is how we funded the study of the consolidation of the two governments, and it left inside the government an opportunity to bring together a staff that stayed together for 10 years.

MR. DEGROVE: *How many Negroes do you have on the Council?*

MR. HORTON: We have five. There is a Negro majority in seven of the thirty-five districts. The Negro population constitutes 19 percent of our total population.

MR. DEGROVE: *I see. How does that contrast with the percentage of population in the original City of Nashville?*

MR. HORTON: The original City of Nashville, the 22½ square miles before annexation, had 38 percent Negro population. This was an issue on the first charter vote, the dilution of Negro representation. But the City of Nashville, having annexed 49 square miles and 87,000 people in all, had diluted that representation to about 30 percent. They now have an overall Negro population of 19 percent of the total community.

MR. SNYDER: Mr. DeGrove, I have one comment. I am a district bug, and let me tell you something. We have approximately that same percentage of Negro people in Dade County, but never had a Negro representative, never will. They wouldn't have one representative in Metropolitan Nashville either if it was set up on an overall County vote, the same as we have. This is what I have been clamoring about — we have no representation. I am a Democrat, but we have all Democratic Legislators from Dade County going up because we have county voting and no districting. That is not fair. We have areas in Dade County that are strong Republican in spirit, and they should be represented. But they will never get the opportunity and there will never be a Negro representative from Dade County, no matter how good he is or what his qualifications or background are, until we do get this.

MR. HORTON: Our charter not only puts the 35 districts in, but the charter writes in a commitment that this districting will not be changed or be reduced for a period of at least 10 years, so it gives assurance that the thing that Mr. Snyder is worrying about here — that it be taken out — will not happen for quite some time.

## PUBLIC WITNESSES

MR. DEGROVE: I see. Gentlemen, on behalf of the entire Commission, thank you very kindly for the good and valuable testimony We do appreciate it.

We will now move to that portion of our program where we hear from individuals in the audience who wish to make a statement. We would like — given our time problem — that you confine your oral presentation to about five minutes. You are invited to present a written



statement, either now or later, of any length, and it will be included in the Commission records for our study.

Will people who have statements please come forward and give us your name and, if you represent an organization, tell us the organization.

## **Mrs. Falk: Community Coordinator for Action**

MRS. FALK: I am Rickie Falk. I am Co-Chairman of the City of Miami Community Action Board, and I am going to read to you verbatim a letter that I have sent and discussed with Senator Pepper at this table. He is very well aware of what I have in my letter and my recommendations. I hope that you approve. Thank you.

I did not come prepared to make speeches, so I will read to you:

Dear Senator Pepper: Having come to Washington in order to seek guidance in what I consider to be one of the most important missions of my life, I have come to the following conclusions.

(1) We, as citizens, must start at a local level to coordinate the services and facilities of the total community, both governmental and private sources, so that we have 'total community unity and coordination.' A community coordinator is vitally necessary.

(2) Each community must immediately start constructive action of a positive nature so that the general public knows that something is being done to render solutions to the many problems in the area of housing, jobs, recreation and education. In order to take a long journey, we must put one foot in front of the other. As long as we show that something positive is being done for the good of the community, this will be the first and hardest step.

I would like to suggest that a formal meeting be held in each large city with leading bankers, realtors, business leaders, civic leaders and representatives of city, state and Federal government. Each one should bring the facilities and services that they have to offer to the community and then suggest what they feel is necessary for community betterment. Volunteers from this group should be asked to work on specific projects in order to improve the living and working conditions, as well as the social and recreational.

(3) In areas of unrest, a group of volunteer citizens should find out the true voice of the people and open lines of communication on a person-to-person basis. Many local leaders, such as teachers, school principals, local businessmen and old-timers know exactly what is needed in the community and will offer many helpful suggestions. These should be evaluated and acted upon.

(4) We, as a nation, are drifting away from the things I was taught as a child, such as love of neighbor, honor and respect your parents, and have quiet faith in your God and your country. Perhaps we can have special days decreed by the President, such as we have in his prayer for peace sake. A return to religion and patriotism is a must in order to establish once again the important basic principle, the good will inherit the earth, if we take a firm stand for what we believe is right. The youth of today needs direction from their elders and we must set this example for them to follow.

(5) One of the most important things that must be done at once, particularly in lower-income areas, is to exert the greatest effort to train the men of the community in needed skills or trades, so that they may be qualified to get a position and to keep it. A man in order to have pride in himself, must be the head of the family and provide for it as a hus-

band and father. He cannot do this unless he is trained for the type of work he is best suited for. Intensive effort must be made on all levels to seek out these men and boys, so that they will be able to get jobs and to keep them. The younger children should be given aptitude tests in school to discover any skills or talents that they may have, so that they can be developed to their fullest extent. Educational facilities should be in a pleasant environment and no teenager should be illiterate or uneducated. (6) A complete evaluation should be made of the funds allocated for the poverty program and who they are given to. The tremendous sums being expended are not getting to the grass-roots people where it would do the most good. However, many of the programs and many of the personnel are doing a great job, and I think an even better job can and must be done in order to give the people the feeling that the future is brighter than the past. Upon my return to Miami, I will try to carry out many of these suggestions and I will write to you.

I want to add this to Senator Pepper. As long as we have men like you in our government, I have a great deal of faith in the future. God bless you and help you and all the good things you are trying to do for the people.

Ladies and gentlemen, Senator Pepper and I sat for two hours discussing many of these items. I firmly believe in them. I am living them today. We are trying in our community to put into effect many of the things I have suggested, and I feel that local citizens, in cooperation — as I said — with the total community unit, and coordination, plus the help from our elected representatives, is one of the beginnings of the answers of things that we should do now. Thank you very much.

MR. DEGROVE: Thank you so much for your statement. Yes, please come forward.

## **Dr. F. P. Asher: Utilize the Elderly**

DR. ASHER: Dr. F. P. Asher, retired, optometrist-optician. I live three houses down the road. I don't believe I represent any particular organization, as far as officially. I am a member of many organizations — military, naval, Masonic groups, and other organizations.

I want to echo everything this young lady has written in her statement. It is vitally important. I have been vitally interested in youth all of my life, and I have never quite grown up yet, although I am 78 years of age. I believe that we have in Dade County many retired, elderly people, who have tremendous talent, great experience, and I think that our senior citizens should be called upon in a consulting capacity, at least, to help eliminate many of our problems, particularly that of employment and the training of youth.

I happen to have been an optician and optometrist most of my life. I know how to make lenses, make machinery, make tools. I have taken a school here to teach that subject, but I guess I am a poor salesman. I have been unable to get any help. But I believe the nearest school of this type is Memphis, Tennessee, and the newest one is in Austin, Texas at the University of Austin.

I have taught my craft to many students. I have done it before. I have seen so many opportunities in Florida for manufacturing eye products,

such as lenses, eyeglass frames, and so forth — binoculars, range finders, gun sights — many other instruments. We can train people for that work and we can bring many millions of dollars into Dade County.

Along with Mr. Homer here, I worked with the public in Rochester, New York. I worked for Curtis Aviation. I was a Chief Naval Airman in World War I, and the government spent a lot of money on my training. It is now going to waste, because I have nothing to do and all day to do it in. I think we should call upon our senior citizens, our elderly, experienced men, to lead our nation out of our problems.

MR. DEGROVE: Thank you, sir, and I think that is a well-taken suggestion. Are there other people in the audience who wish to make statements?

## **Mr. Wexler: Vocational Training for Negroes**

MR. WEXLER: I am Bernard Wexler. I am speaking as an individual, although a member of the Dade County Citizens Advisory Board, and I have been given the pleasure to practice before the Supreme Court of the United States.

I am speaking here on several subjects. I noticed one that was touched on, very, very lightly which, to me, is about the most important urban problem. That is the Negro problem, and I speak upon it for various reasons in connection with Metropolitan Dade County. The problem is the great failure to have the Negro trained to work in the jobs which are predominantly taken care of by the unions. The Negro is excluded from the unions and is excluded predominantly from the vocational training in the Dade County School System, because he does not have the high school background to be able to go into an apprenticeship program. I would like to suggest to you, gentlemen, in connection with your Commission that you help provide the funds, as well as the facilities — physical facilities — because sometimes the funds may get dissipated by the local authorities.

I would like to see you set up vocational training institutions in the urban communities, where these vocational institutions will take the Negro, or will take the other individual who does not have the high school background, but yet can be trained to become a plasterer or a mechanic or a plumber, and go out into the world. Whether they are union members or non-union members, let them be trained. I would like to see that.

We here in Florida are quite fortunate — though Senator Pepper and I were on opposite sides of the fence — in that we have a right-to-work law here; so an individual who is trained in his particular trade can go out and work without being a union member, and, therefore, does not have to worry about the unions' Negro exclusionary policies and practices. I don't care what the union chieftains will say — the Negro is excluded from the union as a general rule, and he could, by virtue of being trained at the expense of the Federal Government, go out and earn a livelihood. So I would like to see a system of vocational



institutions set up by the Federal Government, manned by the Federal Government, staffed and financed.

## Higher Education Facilities Needed

I would also like to see a system set up over here — inasmuch as Florida and Tallahassee are holding us back from having a university, a four-year university here — I would like to see the Federal Government possibly set up some Federal university in areas that need four-year public universities.

We have junior colleges here, which, within a short span of time, have had 19,000 people enrolled. We do not have a teachers' college here in Dade County, which we badly need. I am sure Senator Douglas remembers back in Chicago, where the Chicago School Board had its own teacher's college and trained people to be teachers.

As a result of not having a four-year university here, there are many people who would like to go to a four-year university, but are financially unable to do so. I would like to see the Federal Government assist the urban areas by, possibly, establishing Federal universities instead of waiting for the State to go ahead and set up State universities.

In Senator Douglas' own background for years, the only State university was down in Urbana-Champaign, Illinois. Finally, of course, they had a State university in Chicago, and it is a tremendously large university there now. When you talk about setting up vocational institutions I would also talk about setting up some day-care schools, too, so the Negro mother, when, unfortunately, there is no father in the home, can also go to that vocational institution while her children are at a day-care school. Also, while that Negro mother or that Negro teenager is at this vocational school, the Federal Government should also help subsidize that person in the school.

When I went to school, and to college, they had a National Youth Administration, which helped some of the college students make 15 or 20 dollars a month. I suggest to you that this be used again to subsidize the person in low-income groups to go to school to learn a trade or profession.

Gentlemen, I thank you.

MR. DEGROVE: Thank you so much for your testimony. We can perhaps take one more statement before lunch.

## Mr. McNeil: Tax Slums Higher

MR. MCNEIL: Paul J. McNeil, Jr. I am not a citizen of Florida. I just happen to be down here attending another convention, but I thought I would come over here and listen, because I am Vice-Chairman of a Neighborhood Conference of the Rhode Island Community Action Program, and I work for the State of Rhode Island in the Welfare and Food Stamp Program.

In my travels around the State interviewing people in the Food Stamp Program, I have noticed the inadequate housing in Rhode Island, and I also know — from personal contact with these people, and from newspapers — that there seems to be a certain group of people who own most of the slums. I think that there is only one way to do away with this slum land: that is, by an additional property tax, so that when the cities' directors of minimum housing and their inspectors go around and find so many deficiencies in a property which is not inhabited by the owner, perhaps a 110 percent tax should be imposed.

I think that in this way the landlords would find it cheaper to improve their property rather than to pay the high rate of taxes. Although I realize that this may be slightly unconstitutional and may require either amendments to the state and Federal Constitutions, I think that this would probably be one way to clean up this matter.

MR. DEGROVE: Thank you very much for your statement. We probably won't have a chance to visit Rhode Island, so we duly appreciate your comments.

Is there anyone else in the audience who wants to make a statement? If not, we will reconvene here at approximately 2 o'clock.

(Adjournment.)

*Arts and Crafts Room  
Robert King High Towers  
Miami, Florida  
Noon, August 26, 1967*

## URBANIZATION OF REFUGEES

MR. DOUGLAS: As a preliminary to our guest speaker, I would like to introduce the Administrative Assistant to the Senior Centers of Dade County, Mrs. Emily Barefield, whom I know from her candidacy for the State Legislature, and I must say with some regret that she did not win. A lesser light did. That is the way of the world, sometimes. It happens to many fine people in public life.

Emily, I think you wanted to tell us just a bit about the Center.

MRS. BAREFIELD: The Miami Housing Authority owns this facility.

We operate a Senior Center, which is one of five around the county. We are originally a United Fund-supported agency, and partly a Dade County-supported agency, and partly a Federal Government-supported agency, under the low-cost meals project, which we have instituted this last year. The ladies who just served the lunch are all members of our Center, except their boss lady, Ellen Magill, but we have hired the

Center members themselves to work within this plan, and it is very effective.

In this kitchen, we cook meals five days a week, which are sent to all of the Centers.

We are very flattered to have you here. I want to extend greetings from my boss, Marvin Schreiber, who is out of town — and we are delighted to lend our facilities.

MR. DEGROVE: Thank you so much. I will ask you one question: What do you mean by low-cost meals?

MRS. BAREFIELD: We serve a hot meal every noon for the members. Most of our members live in the housing, although there are members from the community. For 40 cents we serve a hot, well-balanced meal, like you have had today. Sorry we couldn't give it to you for 40 cents.

MR. DEGROVE: Thank you.

Our guest speaker today, on a subject that I know we are all intensely interested in, is Mr. John Thomas.<sup>1</sup> I will make my introduction brief to give us a maximum amount of time. Mr. Thomas is Director of the Cuban Refugee Program, Social and Rehabilitation Service, Department of Health, Education, and Welfare. He has worked in the field of international migration and refugee settlement for the last 20 years.

It is my real pleasure to introduce to you John Frederick Thomas. Accompanying him is Mr. Francisco DeVelazco, who came here in 1961. He was a lawyer in Havana, and is now an Assistant Director of the Refugee Program.

## STATEMENT BY JOHN THOMAS

MR. THOMAS: Thank you.

Senator Douglas, Senator Pepper, and Commission members. Ours is a rather complicated program, and I think that if I just read out the few notes that I have here, I will at least stimulate thoughts for some questions.

I am reminded of a mistake that one can easily make when opening a conversation with a person he doesn't know. I was attending a cocktail party in Geneva, Switzerland — that is an occupational disease over there — and this gentleman standing next to me asked me if I was American. He asked me where I was from. I said, "Minnesota." For some reason or other, it came to my mind that I had better tell him a little bit about myself.

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<sup>1</sup> From 1945 to 1947, Welfare Officer of the United Nations Relief and Rehabilitation Administration in Germany; later, Chief Resettlement Officer for the International Refugee Organization in the United States Zone of Germany. From 1952 to 1963, served with the Intergovernmental Committee for European Migration, in Geneva, Austria, and Yugoslavia. Earlier in career a professional football and basketball player.



I said, "In Minnesota they are interested in two things, football and politics. In fact, I just had a telegram from Minnesota that said they were having a great year. We beat Michigan, Michigan State, and Walter Judd." So, I turned toward the fellow, who had a real solemn look. I knew something was wrong and said, "Don't you find that funny?"

He said, "No, on two counts. I am from Michigan and I am Republican Congressman McNamara."

I am happy to have this opportunity of speaking to you on some of the experiences of the Cuban Refugee Program. Mr. Francisco Velazco will be prepared to field any questions you may have with regard to the attitudes and problems of Cuban refugees in the Miami area. I would like to say that a great deal of the success we have had on our program is credited to the fine type of Cuban staff involved. Without their services it is doubtful that we could have had the excellent communication and understanding with those refugees who required our services.

I would like to use my time to sketch the experience of the Federal Government in handling the first mass-refugee group this country has received as a country of first asylum. We have done more than our share to assist the European homeless to find new lives in our country. However, prior to the Cuban influx, the great majority of refugees reached our shores from countries in which they had already been granted asylum. These refugees were carefully screened and selected by visa officers and other American personnel before being granted permission to come to the United States.

## **The First Wave: 95,000 to 3,000 Communities**

The Cubans began to come to our country in January, 1959, after the Castro takeover of Cuba, not so much as refugees but rather as exiles. They expected to return home soon. They came spontaneously with little, if any, preselection. They came into Miami at the rate of 1,800 per week until the missile crisis of October, 1962, cut off all direct flights from Cuba. By that date, over 165,000 refugees had reached the United States, of whom nearly 70,000 were receiving financial assistance in the Miami area.

The people of Miami-Dade County were marvelous. Their schools were opened to some 20,000 refugee children and other public agencies stretched their facilities to meet the needs of these thousands of newcomers. Not enough can be said about the spirit of generosity displayed by the residents of this area. However, in late 1962 the unemployment rate in Miami-Dade County was near 6 percent. Taking into account a labor potential estimated at 50,000 Cuban refugee workers at that time, the unemployment rate neared 10 percent in Miami-Dade County.

In face of these mounting difficulties the Federal Government strengthened its resettlement program in early 1963. One of the most important steps was to institute a system calling for an individual case

interview with each family receiving welfare assistance. The information gathered from these interviews was coded and recorded on data processing equipment. Based on the information available, each family was reinterviewed by representatives of one of the four national voluntary agencies concerned with the resettlement of Cuban refugees.

A firm policy was established and implemented by my office calling for the loss of financial assistance eligibility by any Cuban who refused a reasonable offer of resettlement.

It is interesting to note that legislation pending in Congress calls for a policy of this type to be established in all Aid to Families with Dependent Children cases.

Secretary Gardner evidenced his feelings on this matter by stating: "I have asked my staff to develop criteria for the administration of these provisions that will ensure protection of the rights of the individual." A policy of this nature is a very practical and realistic one, but only when justly and humanely administered. We have proven this on the Cuban Refugee Program.

However, as I shall point out later, there is a long gap between legislation and implementation. Thus, between July, 1963, when our system was initiated, and December, 1965, when the current airlift began, the financial assistance caseload had been reduced from 70,000 to less than 14,000 persons. Of the 185,000 refugees registered at the Cuban Refugee Center for some form of assistance through December, 1965, over 56 percent had been moved away from Miami through federally sponsored transportation.

Thus, in September, 1965, when Castro announced that he would permit any Cuban national who so desired to leave Cuba, and President Johnson countered by declaring that the United States would welcome, under certain conditions, any Cuban who sought asylum in this country, we were in very good shape. The rate of unemployment in Miami-Dade County had dropped to a low of about 3.8 percent, and the recorded unemployment among Cubans was also at a low figure. Our financial assistance caseload was down to about 14,000 persons, the majority of whom were over the age of 65 or had some limiting medical condition. Our Unaccompanied Children's Program — once at the figure of 8,600 children scattered in foster homes or group care in 41 states — had been reduced to under 1,600 children.

## **Refugee Program Since Late 1965**

On December 1, 1965, the current airlift was initiated. Based on a Memorandum of Understanding negotiated by the Swiss Embassy, acting on our behalf, and the Cuban government, refugees are flown in on U.S.-chartered planes at the rate of about 4,000 per month. This current phase is essentially a family reunion scheme. The persons in Cuba wishing to leave must have a claimant in the United States who is a relative.

One must bear in mind that as of December 1, 1965, our program

had resettled over 95,000 Cuban refugees to nearly 3,000 communities. Refugees had been relocated in every state, including Alaska.

Currently, we are receiving two flights per work day from Varadero, Cuba, carrying nearly 200 refugee passengers who have been boarded with the consent of the USPHS [U.S. Public Health Service] and the INS officials who accompany the charters to Cuba.

Refugees arrive from Cuba in a state of destitution, having been stripped of all material wealth before being permitted to leave. They are deplaned at Miami's International Airport and bussed to Freedom Gate, just west of the airport, where they are processed for admission to the United States.

After a medical examination, those destined to join relatives outside the Miami area are taken to Freedom House, which adjoins the processing area. At Freedom House, we have housing and feeding accommodations for 400 persons.

Thus, those refugees who are to join relatives at inland destinations never set foot in the City of Miami but are moved out to their new communities as quickly as possible. About 66 percent of the incoming refugees are resettled within 48 hours. Another 9 percent are resettled from Miami within a few weeks' time.

You will be interested in knowing something about the incoming refugees.

I left some fact sheets. I think you will find them in your folders.

Just a quick glance at the kind of people we are getting in. We have registered 255,000 people. We have resettled 150,000.

On the airlift, since December 1st, 1965, we have received 75,000 people. Of this group only 1 percent are of agricultural and fishery occupations; 3 percent are of the service category. The majority of workers are skilled, semi-skilled, or professional people. With 64 percent of the incoming refugees being women and children, there is not a great deal of impact on employment in communities, but there is some impact here in Dade County.

You can see that comparatively few of the incoming refugees are available for employment. In fact, this presents one of our problems. Within one month after the current airlift began, we had recorded in our Center in Miami some 15,000 job offers received from all parts of the country. Many of these offers were for more than one job opening. Articles appearing in the recent issues of *Fortune* and in *U.S. News and World Report* have brought in hundreds of phone calls and letters offering employment to Cuban refugees.

## Retraining of Refugee Wage-Earners

I would like to point out briefly what the Cuban refugee has contributed in the professional fields. We are now funding our 14th and 15th medical refresher course at the University of Miami School of Medicine. Some 2,000 Cuban doctors have taken these courses, and a good majority of them are working in some hospital or institution in



various parts of the country. (The lack of citizenship prevents the majority from taking state boards to qualify for private practice.)

Our program has also sponsored some 15 training courses for teachers. Thousands of Cubans are now teaching in schools throughout the United States, particularly in the Spanish language field. Veterinarians, optometrists, librarians, dentists — all have benefited from special refresher courses, and are contributing to our national economy.

## Lessons on Resettlement

I should like to take a brief look at some of the lessons we have learned concerning training and relocation.

In the Cuban Refugee Program we concluded that we had to interview each individual welfare case in depth. We had to know as much as possible about the family. We worked on the basis that finding employment for the breadwinner is not the sole answer. The entire family must be taken into consideration from the time of the first interview until long after it has reached its new destination.

We found out the hard way that there is training and then there is "training." We decided the best person to advise us on this is the training officer of the company in which we are trying to place people.

We have noted that health plays a large role in the minds of many potential workers. Fortunately, we have a health clinic at our disposal in Miami. The presence of this clinic enables our people to do two things: (a) determine the extent to which an alleged medical disability may prevent full employability; (b) provide remedial treatment where necessary and feasible. Our experience has been that a hard look taken by a medical doctor, coupled with sound counseling, will help many persons to overcome a health obstacle as far as employability is concerned.

We learned that the dread of insecurity is one of the great barriers facing a person. Welfare assistance is a "sure thing" and many persons — who experience a great deal of soul searching on their part before they seek this help, and undergo an exhausting investigation before they are granted assistance — take a long and hard look at a training and/or relocation proposition before giving up this "sure thing." Therefore, we try in every way to reassure the person on this matter. On our program the refugee may continue to receive welfare payments while he is undergoing training that is part of a plan leading the breadwinner and his family to a resettlement opportunity. We convince the worker and his family that if relocation is accepted, welfare assistance will be forthcoming in his new location should the new employment cease or an emergency medical situation arise. Our only eligibility requirement is need.

To deal realistically with the question of the relocatee's feeling of insecurity, we took one other important step. We introduced the voluntary, or private sector, into our relocation program. As I mentioned earlier, we found that locating a job for the breadwinner is not enough.

We must deal with the entire family from the very beginning; i.e., the early stages of any planning for training and relocation. When the time comes for the family to be relocated, we work through, or in conjunction with, a voluntary agency that has a counterpart in the area of relocation. This counterpart may be a church group, a diocese office, a synagogue, or any type of community agency interested in helping newcomers to the community. There is a large amount of goodwill in every community which can be tapped for this purpose and, for my money, goodwill is a key factor.

We have tried to stay "loose," as an athlete might put it, in the implementation of our program. We have tried to maintain reasonable flexibility — always bearing in mind that we are dealing with the human element. Dr. Hylan Lewis, Howard University, constantly speaks of cutting through statistics and generalizations to get to the human element — to the people. Our experience supports Dr. Lewis completely in this respect.

Many persons have asked me to compare various groups of refugees with whom I have worked over the years. This is very hard to do, and I see no value in doing so if I could. We have had certain factors going for us on this program. Congress in its wisdom has authorized adequate funds. Miami, being a resort city, had ample, even if not always plush, housing available.

The Cubans, generally, came from the better educated class, and therefore were able to adapt themselves to new employment and new surroundings with only limited amounts of language and vocational training required. The refugees were well motivated. Enthusiastically welcomed by the great majority of Americans for their opposition to the Communist regime, they found their shortcomings in language, knowledge of American ways, and lack of skills easily forgiven if not overlooked. They had no "bad" image to overcome; their "good" image was in their favor. We had no social outcasts, no alcoholics, no prostitutes, few lawbreakers.

I do not mean to imply that we found a complete absence of cultural prejudice, but there was certainly nowhere near the quantity or the quality that exists towards other minority groups in this country.

Obviously, sight distinction and social ostracism so characteristic to other minorities were not a factor in the case of Cubans.

In spite of this "good" image, cultural gaps did exist, causing many problems that had to be overcome. I believe we helped the Cubans overcome most of these gaps. Let me spend the remaining time allotted to examine some of the lessons we have learned from the Cuban program experience.

## **Advantage of Goodwill**

We have learned what a tremendous advantage is to be found in goodwill. Outside of a few cranks, the American people on the whole wanted to help the refugees, and were quite willing to recognize the influx as a national responsibility.

Congress agreed and passed Public Law 87-510 which serves as the basis for the appropriation of funds to finance the national Cuban program. The Conference of Governors has consistently passed majority and minority resolutions in support of the program and dedicated the assistance of their offices.

A reasonable amount of money has been granted by successive Congresses to permit carrying out an effective program in a consistent manner. One Senator said, "How does it feel to administer a \$50 million program and have no trouble in Congress?" The Cuban problem is a problem that people want taken care of, and the Federal Government is doing so with the fullest cooperation of state and local governments throughout the country. It is amazing what can be done when there is goodwill on all sides.

Another lesson which has impressed us is the value of a directed program that curtails or eliminates the danger of fragmentation. The way from the halls of Congress down to the city streets is a long, long complicated one. The street hardly ever experiences the full implementation of the language of Congress. Many hands are involved at Federal, regional, state, and county levels before the projectile reaches the target. The target is a moving one, and if your projectile has a homing device it might catch up, but if it has to go by way of Washington, Atlanta, Jacksonville, it has lost a lot of something by the time it reaches Miami.

This leads right into the next lesson. We have had a multipurpose service center or, if you will, an ersatz neighborhood center, from the very beginning of the program. The community planners are just getting around to using this concept.

Although the Florida State Department of Public Welfare administers the Cuban Refugee Assistance program it does so with 100 percent Federal funds. It follows criteria similar to those used for Americans (a pattern that has been basic to our program) but there is one difference.

A Cuban refugee in Miami is not given financial assistance simply because he is in need. He has to be both needy and unresettleable. (For the American you would substitute unemployable.)

In other words, a Cuban refugee must pass through the Cuban Refugee Center, where he is subject to intensive interviewing and counseling, by both Federal Government employees and private voluntary agency staff, before he can be provided with financial assistance. If he is resettlable in the eyes of the Federal and the voluntary agency staffs he may be denied financial assistance if he refuses to accept resettlement. It was this hard-nosed policy that motivated many Cubans to accept resettlement and to move away from an overcrowded Miami.

Because we have at our disposal many different services, we do operate as a "multipurpose" center. Our medical clinic is prepared to examine any person who states that either he or a member of his family cannot be resettled because of some medical problem. Our medical people look into this, and if a condition exists that is remediable, we do our best to see that the necessary treatment is given. In some cases



a sponsoring church or other community group might be willing to take the family with the understanding that remedial treatment will be given in the new community. We have English language training and vocational training of our own choosing at our call if this is the requirement. We tailored our vocational training to meet the labor needs in areas of resettlement.

None of the services above would have meant a great deal had we not been in a position to interview our clients in depth to ascertain what their needs are and what their aspirations are. It is not sufficient just to locate a job for the breadwinner. This, while a necessary action, poses only part of the solution to the problems confronting most families.

A refugee has undergone a sudden, traumatic experience. When he reaches the United States he generally is in a state of mind that can easily sway towards becoming a disturbed person. The longer he remains perplexed and confused, the longer and deeper will his apathy grow.

But the Cuban refugee knew that the American people would not let him down. He knew that his basic needs would be met through government action. He knew that he was free to move into any community, to seek any type of employment, to receive service in any public service agency. True, he was marked by his lack of English and his cultural differences, but these are not punitive characteristics. On the contrary, in many instances their existence worked in the man's favor.

## Money Must Be Spent

The Federal Government has spent a little over \$250 million on the Cuban Refugee Program over the last eight years. This amounts to about \$1,000 per refugee serviced.

This amount has probably been matched by monetary and material aid received by the refugees from the private sector. I think this emphasizes a basic principle. One has to spend money to obtain solid and effective results in this field as in other fields. From our experience we can demonstrate that the concentration on training programs cost money, but that the amounts expended came nowhere near the amount we would have had to expend on providing welfare services to 70,000 refugees rather than to the 14,000 we ended up with. I would not attempt to measure the savings in terms of the salvage of human beings.

Our Nation failed miserably when we turned our faces away from the migration from the South to the North. Today we compound that mistake, and we see countries far less capable in both finances and manpower coping more realistically than we in meeting the problems of in-migration. Rio de Janeiro, Hongkong, Paris, Saigon, Mexico City, London — all of these cities suffer from this problem and look to the United States for leadership, ingenuity, and vision in blueprinting the solutions. If the problem cannot be overcome in the United States, where is there hope for others?

I firmly believe that a national program funded by the Federal Government, supported morally, financially, and materially, by the American people, working through their community counterparts — i.e., churches, synagogues, and other motivated citizens' groups — could go a long way in meeting the greatest crisis of our time in time. One need not be a professional prophet of doom to see what will happen to a people who do not care.

Thank you.

MR. DEGROVE: Thank you very much, Mr. Thomas.

Now, we do have some time for questions.

## QUESTIONS BY COMMISSION MEMBERS

MR. JOHNSON: *Mr. Thomas, how do you foresee dealing with this problem in the northern cities in this country, which are in effect having the same problems you described but have not been recognized as such over the years?*

MR. THOMAS: Well, quickly, I don't have any pattern to meet this problem. I have been trying to talk about this with the agencies that we work with: the United States Catholic Conference, the Church World Service of the National Council of Churches, the United Hebrew Immigration Aid Society Service, and the International Rescue Committee. All have counterparts scattered around the country, each of which is working on the American scene as well as on the refugee scene; but, I am afraid that within these agencies there has been almost as much fragmentation as we find on the Federal Government scene.

I find many times the immigration service of the agency is not talking to the other units. But, I think that we cannot go into any mandatory situation. I mean, we don't force any Cuban to leave Miami. We try to sell them on the resettlement advantages and try to convince them that this is the best thing for them to do. This, I think you could do on the American scene.

Let me give you an example. The other day in a meeting in Washington, a fellow from Arkansas rose up and was objecting to the position that Congress was getting involved in with regard to the Aid to Dependent Children Program; that is, forcing a mother to go to work. He claimed that the mother belongs in the home.

He stated that there was an area in northeast Arkansas, I think, in which the minimum wage has forced the farmers to cut off the cotton choppers. They had a large number of Negro women with children coming on to the ADC program. Here I would think that a community agency would be able and willing to interview these cases in depth, separating out those who have relatives in some other place, and would try to work a resettlement system like ours as one solution. They would not merely say, "Well, you get on a train and go up to Chicago."

We won't move a person on our program into Chicago unless we have a church like the First Baptist Church or the Catholic Diocese in Chicago to meet the family, and they will have a house or apartment

ready. They will have some food in the refrigerator or they will have winter clothing for the children, and they will show the wife how to get to the supermarket and how to register the children in the school. The family is not alone; and this is the kind of thing I think that we, somehow or other, need to find a way of translating or inserting into migration from the South to the North.

There is a world of goodwill in the United States to help; I am convinced of that. We have areas in which one woman in one church has taken 150 Cubans and helped to get them adjusted in her community.

I had a call the other day about some refugees who were picked up from a boat at sea, by a freighter, and that freighter was dropping the refugees in New Orleans.

I said, "Well, don't send them to Miami. I am always working for you, Senator Pepper. Don't send the people to Miami. Try to help them in New Orleans."

This woman said, "Oh, I have just had a break. I went down to a manufacturer and I needed one refrigerator and he gave me 18, so I am going to bargain those refrigerators out for some houses and I will take care of your people."

This is the kind of thing that people are just waiting for; but if you get it so structured that you have to have a Master's in social work before you can tell somebody how to get help, you just get beat.

## Orient Rural Migrants before Urban Arrival?

MR. WOODBURY: *About two or three weeks ago we were in the Dallas area and had an interesting story from a personnel manager for one of the big and expanding employers in that region.*

*There is a large labor shortage, frankly, but what they were doing was arranging to train men to operate their machinery in the localities in which they were living rather than coming into Dallas and facing all of the problems of adjustment to a new scale of life and a new job and undergoing the training all in one.*

*What they did was simply put some of their machinery on big trucks and took it out into the smaller areas, down along the Rio Grande. Mostly, the trainees were Latin Americans. They tested them, did everything they would have done if they were training them in Dallas, and they did not bring them into the city unless they took the training well and demonstrated they could handle the stuff.*

*This is splitting up the problem of adjustment and assimilation. I sometimes wonder whether the split could be worked the other way — I am not at all sure, I am at last getting to my question:*

*Would you think that in the case of rural migrants in the large or urban areas, whether North or South — I don't think it makes very much difference — there is anything that could be done in the way of training for urban living and adjustment before they get to the city?*

*Now, in fairness to our friends in the Dallas area, when these trained people came — and they assured them of jobs — they did not bring them*



into Dallas unless they passed the training, and they had a job and they were signed up for it; so, they did not have to worry.

Then, when they got there, they do have some of the counselors that you mentioned. But, I just wondered if there was anything that could be done on the other side before the in-migrants came in.

MR. THOMAS: Yes, I would think so.

The question is always one of identifying the problem. In the kind of free-living society where people are used to moving, it is not easy to get people to come in and seek this service and to talk with you.

I was just telling Senator Douglas of an experience that a friend of mine had in the State of Washington.

On the outskirts of a city in Washington, they had set up some information booths — but they went further. The people said that they were going to help incoming persons find apartments, and so on. They worked on this thing for about six months before somebody realized that no Negro came and asked for this kind of service. If they had known our program, they would know why — because we had a built-in system. We always looked ahead, because we knew that the facilities were not always going to be available.

I think this is so important in any kind of a situation like this. I think that you certainly could have orientation programs. You certainly could find out what the problems are, because the problem, again and again is not with only the man. Anyone who is married knows that. You know who runs the house. So — and I think Mr. DeVelazco will support me on this — we must take the whole family into consideration.

You get a job for some man up in a company in New Haven, Connecticut, and he goes home and tells the wife about it. She may agree or may not, but when you get up there, the problem that he had down here will be the same there, because the problem may be that one of the kids is mentally retarded or something like that.

In many cases, we have had situations where we have had difficulties. I remember one youngster that had a cleft palate, and the father wanted to be resettled and the mother agreed, but everyone was afraid of the money involved in the operation for the child. It happened to be a Protestant family, and we searched out a church in a town in Massachusetts that was about 20 miles from the hospital that specialized in this kind of operation. The child was operated on without cost. The resettlement of the family was a success.

I mean, you can get stories like that over and over again on our program.

MR. BAKER: *We hear conflicting stories about the Cuban transition throughout the United States.*

*Now, you indicated that the people who come here are more educated, better trained, professionals. Do you feel that there is, to any degree, a consideration among them that this is only a temporary situation and that when conditions permit in Cuba, they will return there?*

MR. THOMAS: Mr. DeVelazco, do you want to talk about the Cuban feeling?

MR. DEVELAZCO: Yes. This is a common subject in the community,

and even among us Cubans. Who would return to Cuba? I would say that the young people — and I mean by young people 21 to 35 or 40 — most of them probably would remain here in the United States. The older people would return to Cuba. I don't think that there has been any serious difficulty in the Cubans' adapting to the way of life in the United States, basically, because our scale of values is the same. Our culture is the same.

We might have a different pattern of behavior, but we have the same scale of values. So, there is no difficulty for the Cubans to adopt the American way of life. But, for older people, it is more difficult than for young people. They miss Cuba more.

For instance, my children — one is 25 years old — I doubt that they would return to Cuba. I would return to Cuba.

## Welfare Assistance to Refugees Federally Funded

MR. DEStEFANO [Commission Staff Member]: *Under the program you have now, you say that when one of your clients goes to another state in the United States, you can give him the same welfare assistance, directed to this program, which is essentially under Federal funding.*

*Now, I can see that your program is parallel with Aid to Dependent Children or assistance to the aged. Tell me, do you have any kind of a general relief program? And is that 100 percent federally funded? Or, for example, say in a particular city, are you relying on the city's normal share of general relief to take care of refugees? General relief, as I understand, is in a substantial amount from local funds. Can you illuminate?*

MR. THOMAS: Yes. We have working agreements with every state in the Union except Arizona. Our agreement simply works this way — that when a person is resettled from Miami to any state, the identifying information on that family is sent to the regional office responsible for that state. From the regional office the information is channeled to the state, so when a Cuban comes in and says, "I lost my job. I need some help and so on," the local welfare office checks the roster to see if he is an eligible Cuban. Automatically then, the Cuban can be helped, consistent with the rate that is being paid by that state for Americans in need.

MR. DEStEFANO: *But, 100 percent Federal funds?*

MR. THOMAS: 100 percent. Another thing, when we found out we had college-age Cubans, we tried, naturally, to help them to get into schools. We tried to get the schools to give them resident instead of nonresident tuition charges, and then we started a Cuban student loan fund.

There is the NDEA [National Defense Education Act] program — but the school has to put 10 percent on this program, and many of the schools do not have this money. A Cuban student comes along and the school says, "Oh, no, we have to take care of Americans."

Well, I suppose that is fair, but we had to find a method to support our Cuban youngsters who wished to get a college education; so, we

started our own Cuban refugee loan program. This is a 100 percent Federal loan, with no 10 percent requirement from the state. So, you see how important this form of financing is in operating a program.

MR. DESTEFANO: *I do. It runs through my mind that this is such an inequity. Not that it should not be done but are we not in a situation where general relief and ADC are not given to America's own migrants coming up from the South into the northern cities? They cannot even get that.*

MR. THOMAS: What we have going for us, of course, is the fact that we had to relieve Dade County of this burden; did we not, Senator Pepper?

MR. PEPPER: That is right.

MR. THOMAS: So, we had to make this a national policy so we could sell it to other communities.

MR. RYBECK: *I start, too, with the assumption that this program for Cubans is not bad, but rather shows what can be done when you want to do something.*

*Do you get any backlash from the Negroes and poor Americans, however? If so, how does it reflect itself? Are the Cubans you help suffering from this sense of inequity among their new neighbors?*

MR. THOMAS: Let me start by talking a little bit about the general national picture, because we have had reactions on the national scene from people in the Equal Employment Commission, from the Urban League, the NAACP, and so on.

I think, first, the point I make to you is that this refugee problem is also a national responsibility; that the United States cannot turn away from its policy of open asylum — this is a part of our heritage. The Bible states: "I was a stranger and you took me in." That is in St. Matthew.

The Negro community understands this.

We have a living democracy. With all due respect to Dade County for its work with refugees, we had a little problem in Lindsey-Hopkins Vocational School when we first started working down here, because there were very, very few Negroes in school. There was the old story that they did not have enough education to qualify and so forth; but we had Cuban Negroes coming in, and Cuban Negroes were admitted to the school.

I think, on that score, we helped and were able to get the Negro community to understand what we were doing. There is not any question about a Cuban who is a lawyer and goes to a hotel and says that he is willing to work as a bartender. The hotel gets a nice appearing worker cheaply. A Negro comes in from Southern Georgia or Northern Florida and is probably looking for a construction job and is not accepted for hotel work. But the Cuban will not stay on a hotel job long, because he will move up and move out quickly, as soon as his English language is better.

Mr. DeVelazco, you can talk from inside the Cuban community on that.



MR. PEPPER: Would you just summarize, quickly, the coordination program that we worked out between the local and Federal agencies and how we coordinated Federal agencies over here?

MR. THOMAS: Yes. I was on the plane with Secretary Gardner one day and he said to me, "What we need is a Cuban problem in every community and then we will get community coordination."

A task force was established on both levels, a task force in Washington that had membership from the Department of Labor and the Office of Economic Opportunity and the various secretarial levels. Persons were designated within those departments to act as liaison officers on the Federal Task Force.

Then on the Dade County side, a community task force was set up. If there was any question on, say, some Negroes wanting to get help to set up a small business, they could come to the Dade County Task Force and then to the Small Business Administration office in Miami and up to Washington. We try to alleviate the problems of other minority groups in this way.

MR. MANVEL: *I was wondering whether I was correct in gathering, at the very outset of your statement, that maybe HEW — your department — was trying to get lessons out of this, specifically in relation to the public assistance programs generally?*

MR. THOMAS: My office has worked very closely with the community work and training programs. I think they are doing a marvelous job in many communities. Here again, I am probably being unfair to my colleagues, but you have got to go right down there — none of this round-about routing.

You mentioned, when you were sitting here, about the personnel training problem. Congress passes a law and gives some benefits to a group of people — let us take Vermont. Vermont has five people in the State Welfare Office. Now, there isn't going to be additional personnel just because of the new law. Congress did not authorize additional money to add new staff. It just means that somebody has to fit another hat on his head. And by the time he tries to get down to the county level and to city level, to motivate and train other people, he is beaten by the lack of time and resources.

MR. DEGROVE: Thank you so much, Mr. Thomas and Mr. DeVelazco. We will now adjourn to our meeting room, back across the hall, and we have three and a half minutes before we start.

(Adjournment.)

## **PUBLIC HOUSING: NEW LOOK, NEW FORMS**

MR. BLACK: If everybody will have a seat, we are ready to get started.

Our first witness for the afternoon is going to be Mr. Haley Sofge, who, in his nine years in Dade County, has probably deservedly become known as "Mr. Houser." Mr. Sofge has spent 17 years in association with and in the service of public housing programs. He started off in Nashville, Tennessee, where our wonderful witness from this morning, Mr. Horton, came from. During Mr. Sofge's service here as Director of the Miami Housing Authority, I am proud to say that we got some 2,000 public housing units, and I think that he has about 1,800 more in progress at this time.

Mr. Sofge has a national reputation, and I heard several weeks ago that there was some danger that we in Dade County might lose him, but, fortunately, the Commission created a Dade County Department of Housing and Urban Development, and Mr. Sofge was able to get compensation more in the line with what he deserved, and his jurisdiction became countywide instead of just in the City of Miami.

Mr. Sofge, if you will let us have the benefit of your thoughts.

### **STATEMENT BY HALEY SOFGE**

MR. SOFGE: Thank you, Mr. Black, Mr. Chairman, members of the Commission.

We are delighted that you chose to conduct one of your meetings here in Miami in our Robert King High Towers facility.

## **Housing for Elderly**

This is one of five specially designed projects for elderly citizens. It is our only highrise facility.

It is a story of a community agreeing back in the late fifties that a proper concern should be expressed for the needs of the elderly citizens — concern across the board as to their housing needs, their social welfare, and other needs. This brought into being in Miami in 1960 the first especially designed facility under the public housing program.

It has permitted us to house some 800 elderly citizens. It has permitted us to program five additional developments for elderly residents. It is an example of local cooperation, in that the Housing Authority, through the public housing program, constructed the apartment build-

ing and also constructed this Day Center, a community facility, in which you are holding your meeting.

The public housing program was unable to staff the center, and what we have here is an example of Metropolitan Dade County Government coming in and spending — this year in this and four other facilities — \$185,000 of its local tax funds, supplemented further by the United Fund Agency, which, too, participates in this program endeavor.

We like to believe that this is one of the better examples of public housing in the country, and we are confident that it is one of the best examples in terms of coordination of Federal and local programs. Perhaps we do a better job in coordinating these programs than we did this morning. I understand that you did not have air-conditioning and we still are without microphones and audio, but we like to believe that we can coordinate the big things.

## **Public Houser: A Definition**

I speak as a public houser — if you will permit me to give my definition of a public houser. To me, it is a person who believes that his major role is to assist low-income families and elderly citizens to obtain decent homes in a quality environment. It is one who recognizes the role of the public housing program; someone who is willing to accept the limitation of that program; who searches out better ways to conduct public housing programs in the communities of America, and who stands ready to assist private enterprise or any other source in meeting this need of housing for our underprivileged citizens.

I would like to speak briefly of a local housing program, the one here in Miami, in Dade County. I would like to mention the Chairman of the Authority, Martin Fine, whom most of you know, and the fine Board of Commissioners who decided back in the late fifties and early sixties that this single-purpose housing agency would become involved in the community. That it would not work in a vacuum here. That it would walk in the community, and be responsive to the community, through its Board of Commissioners, standing ready to do those things it was permitted to do and required to do under its program, and perhaps even offering to do things that it was not equipped to do, and that, perhaps, it should not try to do.

The highlights of this program would indicate that we have accomplished in Miami the development of 2,000 new housing units since 1960, and I am sure that this committee, in particular, will be glad to know — as you deal with the urban problems of America — that here in Miami, over 1,200 of the units supplied have been for families.

We have a higher ratio of new units for families than we do for elderly people. However, we do recognize their need and are working hard to offer additional housing for our Senior Citizens.



## Early Conversion of FHA 608s to Public Housing

It is a program that decided back in the late fifties and early sixties that there was nothing wrong in considering a developed property for purchase and rehabilitation by a housing authority, and we are probably one of the first to purchase an FHA 608<sup>1</sup> in the Southeast, if not one of the first in the country. We converted these two-bedroom apartments into three- and four-bedroom apartments, providing a form of instant housing designed primarily for the expected displacement caused by the expressway program. This displacement did not materialize as quickly as we thought, but we nevertheless provided 330-odd family units for our low-income citizens.

Of course, as you know, we saved about \$1,800,000 in the process. With this success, we carried this into our elderly housing program and were able to offer 288 one-bedroom apartments, slightly south and west of downtown Miami to elderly applicants. And at this time the social scientists and others were saying that you should not, perhaps, consider the purchase and adaptation of a developed property for elderly residents, in particular this property, because it was a two-story apartment type development.

Once again, trying to understand our own clientele — where our elderly citizens came from and their experience during their younger years — we chose to purchase this property, 288 one-bedroom apartments and adapted them for the elderly. To some extent, the elderly served as our sidewalk superintendents. Most chose to move into this development while we literally renovated around them.

We had an urban renewal program in Miami we had been talking about for some time. It was obvious that if it were to be successful, relocation housing would have to be supplied in advance of the urban renewal undertaking itself, and would have to be supplied outside the urban renewal area. The local authority made another decision through the leadership of the Board. It said that it had had enough of institutional type public housing, that it would accept its responsibility to supply relocation housing and large units to replace family facilities, but somehow, some way, it would not find it necessary to do this through the assemblage of one large piece of land for the construction of the 800-odd needed units. We do have an older project with 972 units in one location under one form of project management. At this time we made a commitment to scattered-site public housing — and we made an early commitment. We made a commitment to good design. The Board saw fit to select four architects to provide this work in such a way that we would have an opportunity to stabilize a community, to offer good housing with good design and, in particular, to supply three-four-, five-, six-bedroom apartments. This housing is for the victims of public progress here in Miami — the families that are threatened with

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<sup>1</sup> Defaulted mortgages on housing built with FHA insurance under Sec. 608 of National Housing Act of 1934, taken over by an increasing number of local housing authorities for low-income tenancy.

displacement by the expressway program, ultimately, the urban renewal program, and our code-enforcing program.

We like to think that these commitments have paid off. Obviously, the final judgment is not ours, but we do believe in the wisdom of these basic decisions made many years ago: that a public housing program in existence since 1937 could be taken into this community and tailored as best as it could be to the needs of this community; that new developments coming from Washington and coming from Commission studies, such as yours, could be used. And this simple decision to walk in this community has caused this authority to be one of the first authorities in the country to enter the private leasing and the turnkey programs. The private leasing program permits the leasing of housing units from private owners — standard units in good neighborhoods — for use and occupancy by low-income families, with the subsidy going to owners. The popular and quite interesting turnkey program permits private sponsors to select land of their choice, and architects of their choice, and to propose a facility in accordance with specifications, and be paid for their undertaking.

The Miami Housing Authority takes pride in the turnkey facility it has made available to our citizens. We are happy to say that we opened the first facility of its kind in the Southeast, one of the very early ones in the country. The second one has been approved by Washington and we expect the third one Monday. There are possibilities for the fourth, fifth, sixth, and seventh to come forth very shortly.

I would caution that this program should not be used just for elderly citizens, no matter how great their need might be — and certainly it is an unheard need throughout the country — but be that as it may, we need family units, and I must say to you that of our first three proposals, we had two elderly developments and only one family proposal. This was for only two-bedroom units, when there is such a great need for larger apartments. Based on our experience and belief that it is one worthy of full consideration, we would endorse this program to authorities around the country.

Having said this, we are the first to admit that there is much to be done in terms of housing in Miami to meet the needs of our citizens, and, in particular, to provide the quality environment that we are all seeking.

One of our problems has been that this agency has worked as a single-purpose agency, and we have not been able to coordinate as well as we would have liked, the introduction of parks and recreational facilities and such in the scattered-site program. As a result, we have had some discussion and criticism since this type planning does not have the ingredient of neighborhood improvement which we all recognize as a basic.

Perhaps this alone could have caused the founding of the multi-jurisdictional agency approach that Mr. Black spoke of.<sup>1</sup>

We have a new department of housing and urban development under Metropolitan form of government in Miami and Dade County.

<sup>1</sup> See page 347.

It has been dubbed "Little HUD" by a very astute reporter, who noted in a recent series of articles that we really could not quite go that far since we still had no responsibility or authority in the FHA program.

But Little HUD is a close approximation to Big HUD — and it certainly gives to this community a functioning agency structure.

I am saying to you and I am saying to the audience here, and of course to the citizens of the community, that my role is one of directly administering this program, not coordinating it.

I think, therefore, that I have a particular responsibility to move forward in this area of housing and urban renewal and code enforcement and, hopefully, the Model City and these other programs that will come down the turnpike — if you will pardon that expression — in other words, Little HUD is not yet complete.

The Housing Authority is in Miami; and contractually it remains here, but it would be the hope of the community that Little HUD be completed and the Housing Authority be authorized to go beyond the jurisdictional limits of 10 miles down into South Dade and into North Dade and introduce housing in suburban areas. We are not really a central city program in public housing, in Miami, in the traditional sense of some of the northern cities.

## **More Public Housing in County**

We have today more housing in the county than in the city. This is not generally known. It indicates to us, however, that we can make this move. We know that there will be the need for much interpretation as we go into the suburban areas. We will have to go in with small undertakings, in terms of project size, and will certainly have to be very careful that we have the transportation and shopping in these neighborhoods that are basic and absolutely required for citizens of low income.

I am sure, as we talk about housing in Miami, it is good for our citizens to know that you chose to emphasize housing as a part of your visit. It indicates to us your interest, and I think it manifests the national interest in these unsolved problems of housing and in the great needs of our urban communities.

I realize you have been to many cities, including New Haven. I would hope that we do not try to evaluate the success or failures of these programs if the end product is to say that some of our more progressive cities have still had certain types of trouble, regardless of what we have done in the type programs that I am talking about today; and to decide that we need new approaches so desperately that we are going to lose sight of the continuation of what we have.

I like to believe that one of our problems is not that we have not had the programs. One of our problems, in my humble judgment, is that we have not funded the programs at the Washington level in the realistic way that permits local officials to begin on the pipeline.

It has been my good fortune to participate in some committee discussion in Washington for the past two weeks, and I must admit that if



magic were available, we are looking for it. We are talking about doing things in a hurry.

I am not one who is too critical of the long pipeline that bureaucracy seems to need in the public interest. The problem you have with a long pipeline is if you get gaps in it; if you have a Vietnam, tragic as that is, it causes a gap. If, for whatever reasons may exist, you do not keep this pipeline filled so that the programs come out one end in some proportionate degree to how they go in the other end, then, of course, the two-year pipeline for the public housing or the six-year urban renewal programs have no hopes of working. I think we all know today that we are not going to have urban renewal — we are not going to have code enforcement — until we find ways to provide the housing resources. As I said on the bus to you yesterday, we are not looking for statistics in any of our programs here. We are not looking for progress at the expense of the people. If that happens, the concrete trucks will be put out of business.

We will admit whatever failures we have had — and we will have had some — and we will get busy and try to find the answer to offering our people the type of assistance they need.

## **Need for Effective Follow-up**

I could not tell such a distinguished Commission, without being presumptuous, about the type programs that you have been dealing with, and the interest and the possibilities of these new programs. You are better equipped by far to know than I. We are talking about new programs in America, and I for one subscribe to this. If we can do this in six months instead of two years, fine. But I think I would caution when we talk about FHA 221(d)(3) rent supplement housing, when we talk about turnkey housing and add the ingredient of private management technique. We can assess the 221(d)(3) below-market interest housing, because it has been in existence in this country for some time, and we can assess the 202 direct loan housing for elderly people. But when we assess all of these FHA programs, I would suggest to your Commission that we find out their production. Let's know in this country what type of housing these programs have produced. Has it been small efficiency units? Have they been able to produce large family units? The record is there. Now that we are talking about turnkey, and I honestly believe that this community can talk about this because we are in the turnkey business — we are not negative in this area — let's find out what we are doing in turnkey in this country. Let's find out if this flurry of activity is producing housing in the fastest possible way, and is producing the type housing that concerns us most — housing beyond the needs of our dear elderly citizens. If it is that type housing, large-family units, then turnkey will be successful. Certainly FHA housing and certainly public housing, as it may be tomorrow, should come to grips with the needs of large families. We should have the courage not to accept anything less than doing the job with all the experience we have. And I would add one ingredient — let's make a higher investment in people.

I sit here as a public administrator who has a program. I can produce housing if I am successful and if I do my job right. I might do a fairly decent, acceptable job in renewal and code enforcement, and I am willing to accept the limitations and the guidelines for these programs. I will also be the first to say that our poverty effort here, our poverty agency, has permitted us to come alive. We could not have rehoused these families we have from a hard-core slum area into new scattered-site public housing without the assistance of the poverty agency and its program. I don't care where funding rests for the job that needs to be done. I am not asking that public housing have a magic number of dollars that permits me to do more for people than I have been able to do in the past. But I really do expect a public housing agency in Miami or in any other city in this country to come forth and do the job of housing low-income families who are being displaced by countless public programs. Then, that ingredient, that investment in people and their upgrading, their being brought back into the mainstream of life, is the minimum investment we could make. Nothing should be done short of this.

I am sure I have talked too long. But I have tried to portray the belief that a local agency walking in its community can take a role in assisting in housing. I think we can say here in Miami that we are alert to the need for the multi-jurisdictional agency approach, that we are on the road with the leadership of our political leaders and other citizens. I would say also — and I think Mrs. Range and others can say it better than I — that we have a great unmet need here in Miami. We are sitting here today with 22,000 deteriorating units in the City of Miami, 4,000 units needing to be demolished, with 12,000 families overcrowding units, and with a welfare structure that gives to a mother a maximum of \$85 a month.

So, our problems are not greatly different from others except that we still have a young community and there is nothing here that is too sacred in terms of history. We can change things and do things, perhaps more quickly than other communities.

I said something when I first started with which I would like to close.

We are sitting here today at a fine facility for our elderly citizens, and it may be we are doing it not because of the Miami Housing Authority or Haley Sofge or anyone else, but we may be here today because a group of local citizens, back in the fifties, decided to busy themselves with the need of a particular group of citizens.

So, speaking locally, I would suggest that we busy ourselves again locally and all over this country with the needs of countless citizens; that we try to muster programs through our private and public structures in such a way that if we have the funding in Washington, or if a distinguished commission, such as yours, comes up with even better programs and better ways of doing things, we are ready for it here in Miami. I think this community is ready to make such a commitment.

You have my best wishes in your efforts around the country. You have a most important charge placed to your commission — the quality of American life in the cities.

I appreciate very much the opportunity you have given me to be with you today to talk a little bit about our housing efforts here in Miami. Thank you.

MR. BLACK: Thank you very much, Mr. Sofge.

Our next witness is one of the most distinguished ladies in our community. She is Mrs. Athalie Range, who is on the Commission of the City of Miami. I believe she came there about a year and a half ago, in February, 1966.

Mrs. Range is not only a sort of politician, but she is a mother of four children. I believe she is a widow. She has to take care of them and she also has been a very successful business woman. She runs the Range Funeral Home here in Miami, Florida.

I don't know where she finds the time to do all the things she does, because it seems like I hear her on the radio and other media, and know she is keeping busy all the time. But she does find the time to do them and she does them well. I think she is particularly interested in a more beautiful Dade County, which you would expect of a fine lady like Mrs. Range. And she is also interested in attracting more clean industry into this area, and I am happy to say that she is not interested in just getting industry in. But she wants clean industry, which I consider — we all consider — one of the most important things for Dade County.

So, it is my privilege to introduce our next witness to you, Mrs. Athalie Range.

#### STATEMENT BY MRS. ATHALIE RANGE

MRS. RANGE: Thank you very much, Mr. Black, distinguished members of the Commission, ladies and gentlemen who have come to share this afternoon with us.

I wish to express my sincere appreciation for your allowing me to come and to participate in this very important event.

I would have you know from the outset that I am not widely traveled nor am I actually knowledgeable regarding the question of housing beyond Dade County. But Dade County and the City of Miami are indeed my first love.

I think Mr. Sofge covered the total subject very well, and I believe we could go on with questioning from here. But I must express to you in my own words how I see Dade County, and what I believe can be done to make it a better place in which to live. I say that here in Dade County, as in other cities in these United States, we have two very critical problems, and housing is certainly one of them, and I believe the most important.

It was recognized by Congress during the Roosevelt Administration — so much so that Congress at that time passed a bill known to us as the Wagner-Ellender-Taft Bill, and I believe this was for the purpose of clearing the slums in cities and counties with Federal help.



I am told that cities like New York, Chicago, and other cities that I might name embraced the opportunities for this help and have come a long ways with clearing the slums. And, certainly, there must have been many — and must still be — many, many slums in these cities whose age is so much greater than ours.

But, as I look at the City of Miami and the County of Dade, I cannot help but compare Dade County with a beautiful red apple — and you are very right when you say that one of my interests is to have Miami a city beautiful, and Dade County the same. But let me tell you what my comparison reveals.

I see Dade County as a beautiful red apple, and then I see someone going up and breaking this apple open, and as we break the apple and look to the core, we see rottenness, filth, and slums. We cannot go any farther in, so, naturally, the slums, the filth, the inadequate housing must spread outward, and I believe, gentlemen, that unless we move at a more rapid pace one day this beautiful city of ours, this beautiful county of ours, will become indeed a slum city and a slum county.

True enough, as Mr. Sofge has reiterated, we have the program of urban renewal; we have Little HUD; we have public housing. But I see it and I feel it just a little differently because I am a part of that deprived community and I have always been a part of that deprived community. I live in the core. I live where the worm is eating away and going outward. I see daily the great need, not from records on my desk, but because people come to my office and bring the eviction notices.

Yes, some are poor folk, some are being evicted because of nonpayment of rent, and for these there are other suggestions. But because we have recently had an upgrading of the housing code in Dade County, landlords find themselves in a position where they must either evict tenants or break the code and suffer the consequences.

As a result of this, families who have six, eight, and ten children have absolutely nowhere to go in Dade County as of this date, and why? Public housing is doing all it can do. Public housing is building as rapidly as it can build. Private enterprise says that it is indeed not profitable to build for families of six, eight, and ten children, and, unfortunately — if we might call it that — we have many families of this size.

I ask you, where are these families to go? Are they to roam the streets by day and then by night take their families into a tree to roost, like the birds?

Mr. Sofge will agree with me when I say that these families have absolutely no place to go. We find ourselves in a circumstance where something must be done; some few years ago when the urban renewal program became a real part of this community and properties were purchased, some buildings were razed and taken down, and today, here in the City of Miami, we have one of the most blighted areas that I know about. It is an area of hopelessness. It is an area where homes have been purchased by individual families and are presently housing these families. Within another few feet are those homes that have been pur-

chased by urban renewal and razed and done away with. Consequently, in many cases a family is isolated in its living because urban renewal has not yet seen fit or had the opportunity to purchase their home; so, here we have families living almost in destitution. Even so, in some of the homes that have been purchased and have not been taken down as yet, families are allowed to live for little or nothing. This still does not solve the problem of these people having a better way of life.

If I were to make a suggestion — I am not saying that these people must be given better housing — but I say that better housing must be made available, and hurriedly so.

During the early fifties it was referred to that some effort had been made by private citizens here in this county, and I am pleased to be personally acquainted with at least one of the people who made an effort. She sits today in our audience: Elizabeth Virrick, who started a slum clearance program in the years when monstrosities became the way of life here in Miami and in Dade County; when huge apartment blocks were built without a thought for play areas, without a thought for anything other than the bare necessities of life.

Today, here in Miami, we still have the type of apartment houses where there are no clothes closets, so, we put our clothing on the bed; where there are no play areas, so children play in the corridor. This, I am glad to report, has been corrected recently by our City Commission and by our County Commission by upgrading our housing. But what about the thousands who are not eligible to move away from this kind of circumstance?

Public housing takes care of people in the poverty brackets of income or just above, but we find our masses of people in a vacuum just above the poverty level, and just below the popular so-called middle class. Those persons who are able to earn a living but who, for many reasons, are not able to own their own homes. As I told you a few minutes ago, public housing cannot care for these persons as it stands today, and private enterprise is not interested. So, something must be done for these people, also. If I were to be realistically poetic or poetically realistic — as you might like to style it — I would think in terms of the author, I believe, whose name was Samuel Foss, who said, "Let me live in a house by the side of the road and watch the race of men go by."

But, if my feelings or if my suggestions are to be a value to you today, I would want to paraphrase what this good gentleman has said and I would want to say this:

"Let me come out of my house by the side of the road and listen to the human cry of the millions less fortunate than I." For this is our real problem.

In many of the cities across these United States today, housing has been a great part of the problem of the violence that has erupted. Surely Miami is a city beautiful, and I would want to know that each of you seated here, and each of us seated in this audience, were interested enough to want to do all that we can possibly do to avert this kind of condition.

I would want to be able to, somehow, to find a pair of shears sufficiently sharp to cut the red tape that is strangling this great County of Dade today. We need here housing, and we needed it yesterday. We need it today, and we are going to need it far more even tomorrow.

As I close, I want to say just this. There was a beautiful piece of philosophy by the Chinese philosopher we familiarly call Confucius, and he said this:

"Let him who hath the lamp of knowledge hold it high so the world can see, but low enough so that those who grovel in the darkness may light their candles therefrom."

There are millions of people across these United States, and surely thousands here in Dade County who are crying for a better way of life, who would want to see their children grow up in better surroundings, who would want to have a little piece of green that they could call a park so that their children might play.

Private enterprise declares that when we spend hundreds of thousands of dollars building first-class housing for these people, they destroy it maliciously. Then I say let's go a step further. Let's have a tenants' school here in Dade County. Let's beseech these persons who have come through three generations on welfare, and in what we call shotgun or gun-barrel housing,<sup>1</sup> with hardly any inside toilet facilities, with only the bare necessities. Let's put them in better housing, and then let's teach them how to take care of better housing, for surely, ladies and gentlemen, we all deserve a right to a better way of life. People who live in poverty, people who live just above poverty, are all good, honest American citizens who have a right to enjoy the beauties of this country, and especially of Dade County.

Thank you for letting me come.

MR. BLACK: Thank you very much for coming, Mrs. Range, and for your testimony. I am sure that we will hear a little more from you later on when we ask a few questions.

The next witness that we have is a man from the front line, so to speak, Mr. Samuel Moncur. He is the Director of the Neighborhood Center Program, Economic Opportunities Program, here in Dade County.

Mr. Moncur is a graduate of West Virginia State College and Florida A & M University, and he is a member of a very sound profession, in my opinion. He is a lawyer. He has been connected with the programs of this nature since he left law school, and we certainly do appreciate his getting here for awhile. We thought maybe some gang had gotten him or something. We did not know what had happened, but he made it. We are very happy to have you with us.

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<sup>1</sup> So-called because a shotgun blast through the front door would hit just about everything inside and go right out the back door.



## STATEMENT BY SAMUEL MONCUR

MR. MONCUR: Thank you, Mr. Chairman, distinguished commissioners, ladies and gentlemen, I apologize for being late. I got ready to come and went out and found I had a flat tire. I should have checked the car first — but nevertheless I am here.

My communication from Mr. Douglas' office indicated that I was to address myself to the issue of how our agency helps in helping the target residents better protect and keep up their homes. And the news release about the hearing indicates that we are to address ourselves to the question of low-cost housing. So, if at sometime during my few remarks that I shall share with you I seem to be confusing, you will understand that I am trying to cover both topics.

### Home Management Educational Service

I, as you already know, am associated with the poverty program. And out of a series of programs based on the 42,000 families that we have attempted to service in some areas in this community, the need or necessity of home management services was formed.

It was based on the fact, generally, that we found families who were not good housekeepers, who did not have the basic or the adequate educational background as it relates to budgeting their income and providing adequate menus for their families' own well-being. So a Department of Home Management and Consumer Education was designed for our program and, fortunately, was funded, and today we have been working with some 4,600 families.

Particularly, our services include, for example, aides actually working with the family at the house, cleaning, rearranging furniture in order to get the most space out of their homes for that which is necessary therein, planning menus, serving, and making palatable, surplus commodities.

I certainly agree with what the two speakers preceding me have said relative to needs in low-cost housing, and would certainly reiterate, if it was necessary, some of the points that they have already stressed. But I think that probably I could do a much better service to this Commission if I talked about some of the changes I still think are needed in this community related to housing, and some of the problems involved therein, and some of them that I see.

Number one is social services. I think our social services program should embrace more than the traditional social services that would normally be expected for a middle-class society. It is the kind of social service which would embrace the actual working with these people on a one-to-one basis, if we had the staff; but certainly where the staff is not available, at a maximum of not more than 10 families. The social services would attempt to teach not only how to solve home management problems, but problems which are involved in respect for the property of others.

Concurrently with this, I think that these same social services should also embrace a program which works with landlords where tenants are proving beyond a reasonable doubt that they are concerned about the upkeep of the premises, and that they are taking care of them. Those landlords ought to be willing to see to it that the rents for such services — a reward if you may call it this — are commensurately lower.

I think, too, that there should be more educational advantages for the deprived persons of this community, and I am not talking about what we consider as formally structured education programs. Some of these persons and families that we are involved with on a day-to-day basis — and I must digress to say here that I found an old-line philosophy to be quite true, "You never get too old to learn" — I think that some of the families are in such a hopeless condition now that to talk about formally structured educational opportunities to them would be just a waste of time. So, I think now that we need an educational program for adults beyond the age of 25, to 40 or 45, which embraces something like teaching them how to purchase on time, if they must, or the advantages of purchasing one way as against another, because of the high rates of interest that some people are forced to pay once they enter into these contractual obligations.

It ought to be an educational program which has built into it a functional English and math program where, for example, a young man 21, 22 to 25 or 30 is interested in primarily developing some sort of vocational skill. Nevertheless, he must be able to communicate, and so we should have for him a functional type English and a functional type math, rather than the formally structured one.

## **Short-range Poverty Programs Create Problems**

One of the depressing and important problems in dealing with Federal agencies is the matter of funding. I would not hesitate under any circumstances to say that I think our poverty program in Dade County is, perhaps by far, the best in the country. We have attempted to give many services to many people. We readily admit that we have not been able to do services for all of them. There are many reasons.

We admit, also, that we have had some failures. But I think that one of the basic problems is that we must plan only on a year-to-year basis, and this of course creates a lot of problems. Then, even after we plan for that year, our funding is not authorized sometimes for three to five months into a new fiscal year before we are finally notified that the funds have been approved.

I think Mrs. Range has hit on the problem of recreation in the community. I just want to emphasize this. I think that now we must have the kind of recreation programs right in the heart of the community and a recreational program which is not only geared for children or young teenagers, but rather a recreational program which embraces programs for adults as well. With this, I think that the social services I have talked about previously would come into play again, for here those

social service people would be involved in teaching wholesome recreation for adults right in their own neighborhoods. There is a critical problem in terms of education for our school dropouts in this community. I think that we need to give some serious considerations to this.

Let me give you an example of what I am talking about. There was a young lady who came into the office in one of our neighborhood centers from a family of ten, and she was complaining that she wanted to get into the child-spacing program, and she gave this kind of story. She did not want to become pregnant again, and of course, the director in talking with her found out that she made this mistake because — and I think this is the heart of the problem — she made the mistake because there was no privacy for a girl 17 years of age in a family of 10, so she stayed out until most of the smaller children were gone to bed and the mother and the father had gone to bed, and then she slipped in, and this caused her immediate problem. The problem did not arise — how should we say — from an out-and-out intent on her part, but rather something that she got into. **You** know the old adage: "Idle hands is the devil's workshop."

Since she, and others like her, get involved in this problem because of family housing conditions, our school system needs now to develop a program, an educational program for dropouts that is not built around an adult program at night. There are some whose parents are willing to take on the added burden of the grandchild if the child is permitted to continue her school education. I think the School Board has some good points, but I also believe that we need to look at the other side of the coin to a greater degree and, if necessary, build a school for persons of this caliber rather than say, "You either go to night school or you cannot go at all."

## **Rent Repossessed Housing to Low-income Families**

Now, when we talk about housing, per se, for low-income families in our community, there are any number of FHA and VA repossessed units vacant. I have talked about this to some of our local FHA and VA officials and have never been able to make any progress. A number of them have been available for more than two years, and I have always raised this question. Isn't it possible that some of these units can be rented to those persons that are just above public housing income limits, with a spring-off to purchase?

We may have some problems with the tenants. One, their past credit — whatever it was — might not have been good. So, this is why I say it should be on a rental basis, probably, for a one-year or two-year period to give them an opportunity, within this two-year period, to clear up all of their bad debts. And then at the end of this two-year period, hopefully, they can spring off to purchase.

In the meantime, some of these social service programs that I talked about earlier — along with the poverty program — can be working with these families, showing the necessity of clearing up their debts, and



budgeting and planning, so that when they get through this two-year period, and with the spring-off to purchase the home that they have, they will be ready to go right into the purchase and continue their new pay habits.

One thing we have found in the poverty program: Where we have been fortunate in helping families to purchase their own homes under the 221<sup>1</sup> program, we have found that these persons, bar none, develop the kind of pride that any other homeowner has. They take care of their yard, they see to it that the building is painted as often as necessary within their means to afford. I think that the fact that a man is able to purchase and become a homeowner is the motivating factor in terms of the upkeep of the property. We have a number of families in this community who are just above public housing limits who must still suffer, simply because they cannot get, in some instances, enough to make the downpayment.

It leads us to a point I want to talk about: that our local FHA and VA officials ought to be just a little bit more receptive in terms of the treatment that they afford some people. Please understand me. I do not in any way infer that FHA is biased or that they will not give these persons from target areas a receptive audience. What I am saying is that the local FHA and VA officials' guidelines are so rigid that they, themselves, cannot change. I think that in some instances if we could see to it that the FHA and the VA guidelines are sort of relaxed, so to speak — I just cannot see us losing money on the one hand with empty units, where we certainly can put these units to good use.

Generally, I think the same thing applies to the 221(d)(3) applications. The guidelines are so rigid and highly technical that a nonprofit organization is sometimes fearful of going in to make application.

Generally, I think that if we can structure something around the needs that Mr. Sofge and Mrs. Range have suggested, some of our housing problems in this community will be on their way out.

Permit me to thank you for your indulgence in my tardiness. I would like to thank you for permitting me to come and, at this point, I would be willing to answer any and all questions that I can.

MR. BLACK: Thank you very much, Mr. Moncur.

Prior to the time that we go to the questioning period, we have, I understand, Mrs. Virrick here. Mrs. Elizabeth Virrick.

MRS. VIRRICK: Yes. Right here.

MR. BLACK: We understand you would like to make a statement, and we would certainly like to have you make one. Since you were not scheduled we will put it on the five-minute rule, if that is all right.

#### STATEMENT BY MRS. VIRRICK

MRS. VIRRICK: That is all right, because I feel that the person who has his nose against the window of the department store, the child that looks in the store at Christmastime, and sees all the wonderful things —

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<sup>1</sup> Refers to the 221(d)(3) below-market interest program. See page 12.

I am like that. There are so many things I can talk about but there are only a few that I can choose in five minutes.

We will leave it this way, that I will just mention a few and if any of you want me to enlarge on them later, I will be glad to do so.

MR. BLACK: I would like you to sit with the panel so that you can be questioned among those, later on, Mrs. Virrick. Mrs. Virrick has vast experience —

MRS. VIRRICK: I want to thank Mrs. Range for her kind reference to me, which I appreciate.

My choice of things I want to say may not be a wise one. They will be the ones that are just, at the moment, at the top of my head. Next week or next month, there will be a whole separate category. But at the moment, I think of a few that were brought up and touched on today that I would like to talk about a little further.

## Halfway House for Hard-core Families

One of them is this matter in public housing of the hard-core family, which I know is one of the greatest problems that Mr. Sofge has and is one of the greatest problems in the whole country, because it not only causes public housing to lose good tenants surrounding that tenant's apartment, but it also makes public housing more expensive; so that fewer large-family units can be built. Therefore, more units of elderly housing must be built to counterbalance the cost.

When I was in Holland, that was the first time I heard of what — I don't like to call it that, but I don't know what else to call it — Halfway House. We were taken by the housing official through what might be called a Halfway House. We did not know it was a Halfway House. It was not mentioned to us. No reference was made to it until we were out of earshot, and then we were told that into this particular part of the public housing program were placed the hard-core families. They were given a little better unit. They were given a little better service, better-trained staff. They were treated a little better in every way, and they were not told that they were separated from the others. In this way, all social services were concentrated on these families. Then they were able to move out into regular public housing.

This is one thing that I think we have not attempted in this country, as far as I know, and I think it is a good thing. I think it might be something that might be deliberated by the powers that be.

The next thing — still staying on public housing — is the question Mr. Moncur brought up — in fact, Mr. Sofge also — the question of social services.

I call to mind the trouble that our University has here in having great endowments to build great, beautiful buildings with no money left for staff, no money left for equipment, no money left for ongoing program.

I think that Congress might do well — and who am I to say what Congress should do? But this is what the hearing today is dedicated to — to

deliberate the question of additional funds, when the housing is constructed, for an ongoing concentrated service program.

I think that might keep Haley from getting some more gray hairs, and I think it would be a very good thing. I think it is a needed thing, because you do not want any program just to get four walls for people. It is what you do to make them rise on the ladder of self-respect, dignity, and ability to take care of their affairs better.

In the first 13 years of public housing in Miami — and I know it for that period because that is when we were having our public housing battles and referenda, which were our great Gethsemane — of the people who left public housing because of over-income, 63 percent went out into homeownership.

What is public housing for? It is not to keep people indefinitely, but to bring them up so that they can go out into renting private enterprise units or into homeownership.

Now, I am taking up more than my five minutes, but I must say one or two other little things.

This morning our Senator Pepper said something about coordination. We have so much going on in Dade County that although I spend most of my life keeping up with it in order to write our monthly newsletter, I don't know one small part of what is going on. I had lunch with Fred Shaw the other day, who is now Dean of Academic Studies at the new South Campus of Dade Junior. Some of his faculty were there. They asked me to tell them who was carrying on job-training programs, who is carrying on programs to get jobs for people. If we need anything in Dade County, in my opinion, we need one person, such as Senator Pepper was talking about, to coordinate our programs and publicize them and let the left hand know what the right hand is doing and keep from overemphasizing some things and neglecting others, to keep each agency apprised of what other agencies are doing. We need this desperately.

I will quit, but I would love to talk another two hours.

## QUESTIONS BY COMMISSION MEMBERS

MR. BLACK: Thank you so much, Mrs. Virrick. Just stay seated. Maybe someone has a question.

We will limit the questions to five minutes for each one of us, and since you did not say anything this morning, Mr. Douglas, we will ask you to ask the first questions.

## Scattered Site Public Housing

MR. DOUGLAS: *Well, I am greatly pleased that both Mr. Sofge and Mr. Moncur stressed the idea of scattered public housing. I think this is very important. I think VA and FHA could do much more than they are doing. It is hard to get the figures, but according to my computa-*



tions, somewhere around 43,000 units are in default with mortgage companies. The default rate on single-family homes is about 2½ percent. The default rate on apartment buildings is 9½ percent.

As Mr. Moncur says, these buildings lie idle, not producing any income. We still have large numbers of people who need to be housed. I have felt that HUD has been deficient in not trying to combine the two elements. We all know what the difficulties are, and we might as well be very frank in talking about them. It is the same thing which really defeated several votes on rent supplements.

The people who need public housing are poor people and, to a large degree, Negroes. The people living in the residential areas do not want to accept poor people, especially don't want to accept poor people if they are Negroes.

Now, this is what, in my mind, is really tearing the country apart, and we might as well be frank in facing it. I don't think HUD has faced it or is facing it. I don't think the Nation is facing it, and I would like to ask how it is that you have been able, in Miami, to get so many scattered sites outside the city, in the suburbs. Public housing units — I have thought in my innocent, northern-prejudice way that there would be greater opposition in the South to them than in the North. I want to say it is this feeling in the North which has forced public housing into the Negro areas of the cities and forced them to go high up in the air.

Now, how have you done it? How have the people done it? Have you had struggles over it? What has happened?

MR. SOFGE: Senator, I am constantly asking myself how we did it. I think we were able to sell the concept, generally, that the institutional type, close-in housing was wrong. When we went out into the suburban areas for our scattered-site proposal, we had to do a lot of homework. This is what I call performing in the dusty vineyards. You go out at night and you listen, and you do a little talking, and you take away a few possibilities. I think it can be done, partially because, by the very nature of scattered sites it scatters your opposition. If you start with the premise — which I think we did — that a scattered-site development tends to scatter or to make more difficult the solidification of opposition, you have a chance.

Having said that, I don't know how long we will be successful in this effort. We are starting a new one, which has been announced in the press over three months ago, dispersed over an area 25 blocks wide and 95 blocks long.

MR. DOUGLAS: *Is it a white area?*

MR. SOFGE: Yes, sir. This would be a white residential area. I would suppose that when people start contacting local authority representatives and political figures and others, you have to remain as firm as you can. You have to believe in what you are doing, and do the best possible selling job. I don't know how we did it, but we did it, and I would like to believe that we can continue it.

If I had to give you a firm answer, I would be inclined to think that we had many forces at play as a result of being dispersed. Some were

pluses, some were minuses, but somehow they never got together to the point that they balanced the scales against us.

MR. DOUGLAS: *Anyone want to add anything to that?*

MRS. VIRRICK: I would like to add to Mr. Sofge's words.

He has done it by battling day after day, and when he does it, he jumps up twice as hard the next day.

MRS. RANGE: This is something I would like to say in regards to this.

It strikes me from a little different angle. When urban renewal came through the downtown section, the greater number of housing units that were built were built in the suburban areas. This has caused an overflow of our citizenry into small, crowded areas, where we still do not have the things that are needed to complement low-income housing — parks and recreational centers. It's in the crowded areas that we find a lot of our problems. I am sincerely hoping that, as we spread out into the scattered areas, the projects will become smaller and smaller, because of a point I would like to make here:

When we have 500, 600, or 900 units in one area, it causes the residents of this area — they are all of the same financial caliber — not to have anything higher to aspire to. I would like to see scattered housing become so scattered that we might have two, five, or ten units in an area with other middle-class housing.

What would this do to the people who lived in those areas? It would certainly raise their sights, because here they would see other persons in the area taking care of their homes, caring for their lawns, and doing things that the average middle-class citizen does, and, naturally, these people of the lower income brackets would begin to be inspired and would have higher aspirations.

MR. MONCUR: I think that one of Mr. Sofge's secrets is that he is not opposed to talking about his problems to others, and seeking possible solutions. And I think that this community, in general, is the type of community where everyone concerned will come and voice his opinions; and it is big enough so that if one or two members have one position and the majority say, "We think this is best," the other two who lost the battle are not so small that they would go out and tear it up. I think that this has played a tremendous part in the success of this program.

MR. BLACK: Dave?

MR. BAKER: *Brevity is a virtue possessed by few in California. It is a non-existent thing for a politician. I am going to quit while I am ahead. No questions.*

## Potential Aid from Model Cities Program

MR. WOODBURY: *Well, there are so many questions that I would like to ask the panel.*

*Seldom have I heard a more informative and in many ways colorful exposition of the need and the possibilities of public housing than you just gave us. All of you mentioned the need for additional social services for families that are served by public housing.*

*Is it fair to ask you, Mr. Sofge, if Miami gets the Model Cities' program, what you are going to do with the 80 percent?*

MR. SOFGE: Yes, sir; that is a fair question and a good question, Mr. Woodbury.

I would hope that we would use the 80 percent supplemental money to do some of the things we have been testifying to you about. The things that we see and believe in locally, like addition of social services in the community, and not put this money, necessarily, into physical improvements, no matter how desirable it might be. This would permit a local community to prove something it has been saying for a long time.

For example, we might take the supplemental fund and decide that no matter how many people testify about the needs of people on welfare for the next two or three or four years they may still be faced with an \$85 per month limitation on income. We might propose a negative income tax approach, in a controlled way, and we might decide to put some of the supplemental money back into a control group, to let them spend it as they wish. Maybe we could help Washington and others decide the value of a negative income tax if we were to take such an approach. I am sure Mr. Moncur and Mrs. Range could add to that. But to answer quickly, yes, we would use it to try to do some of the things that, obviously, we are not funded to do federally.

MR. WOODBURY: *Do you, Mrs. Range and Mr. Moncur, want to say anything further on that?*

MRS. RANGE: Well, I certainly concur with the remarks Mr. Sofge has made regarding the 80 percent that would be given to us toward our Model Cities Program. I, for one, would certainly like to see Miami have the Model Cities' Program. I think there is much to be done, and let me point out just this.

Miami happens to be — and Dade County happens to be — a place where there has not been a planned Negro neighborhood. I think this has caused much of the unrest.

We find that in the average Negro neighborhood — you will find a \$45,000 home, a \$20,000 home, and an apartment unit directly next to it. Next to this, or just across the street, you will find a pool parlor, a beer garden, and a whiskey shop.

I think that the Model Cities' Program can certainly do something to lift the sights of the Negroes and the poorer families here in Miami, and I would be most happy to see it.

MR. MONCUR: I think Mr. Sofge has covered the question.

MR. WOODBURY: *Just a question of fact: The Miami Housing Authority has jurisdiction or can operate in this 10-mile belt beyond the city limits?*

MR. SOFGE: Yes, sir.

MR. WOODBURY: *Did I understand you correctly, Haley, that you have in fact put a substantial proportion of your housing into that belt?*

MR. SOFGE: Yes, sir. As a matter of fact, I am sure that we have more units in that belt than we do in the City of Miami proper.

MR. WOODBURY: *Mr. Sofge, there is much talk these days — and you*



referred to it in your statement — not only of private building for low-income families but also of private management. Are you prepared to offer any comments on that proposal?

While you are thinking of it a little bit, let me say that while I am not against its being tried, I must admit to a certain skepticism about it. And this is no reflection on private management, but all you people talk about the need for additional services for low-income families — the structure is not enough. Then we immediately ask ourselves, “Well, is private management going to help very much in this direction?”

Then you say, “Well, maybe this is not a function of housing, maybe this is a function of other types of agencies” — like Mr. Moncur’s or someone else’s located in *these* areas, but separate from the housing. All of this kind of turns around in my mind and I have not got any thing straightened out.

I wondered, could you say anything about it?

MR. SOFGE: Miami sent a telegram to Dr. Weaver of HUD indicating that the city would welcome the opportunity to be a demonstration area in this new technique of turnkey private management development. This was an honest expression on the part of the Authority. I am hopeful that it will have some kind of success. I am quite doubtful that it will.

Our turnkey sponsors to date — and they number 48-odd depending on how you count them, in total — have not at any time indicated any interest in management.

A case history might be that we have had the private — Section 23<sup>1</sup> of the Housing Act for some time. We presently have under contract from various owners 144 private apartments. Each owner had the opportunity to manage those developments. To date, the only management they really want to do is to — basically, they have the rent when we mail the check. I hope that is not indicative of the future.

MR. WOODBURY: *Thank you very much.*

MR. BLACK: *Jeh?*

## Missing in the Housing Supply

MR. JOHNSON: *Mrs. Range, you spoke about the family group. I feel that is often overlooked in many parts of the country. That is to say, there is the family that has a wage-earner who has a steady job that is relatively low-paying. This family cannot afford to buy a new home but is desirous of living in the best kind of housing they can afford on their earnings. This family does not qualify for public housing under most circumstances.*

*In the City of Miami, is there housing now being provided by the private sector for such families?*

MRS. RANGE: No. I think this is one of the great inequities here. Private housing holds that housing for large families where more than three bedrooms would be built would not be profitable. And when

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<sup>1</sup> Low-rent housing in private accommodations.

these people cannot get into public housing, they pose a most difficult problem. They are the most problematic group of people in the community.

I have personally interviewed any number of these people who have come into my office with their eviction notices. Mr. Sofge has done his very best to try to house these people, but he finds that his hands are tied because of the limitations placed on public housing by the Federal Government regarding incomes.

Then there is absolutely nothing that can be done — and many of these families are now moving from one friend or relative to the other. It was my sad duty yesterday to say to a man and his wife that I knew of no source where they could go with their seven children after this afternoon at 6 o'clock, when they will be evicted — not for nonpayment of rent, but because their apartment, their one-bedroom apartment, is overcrowded.

What actually happens, the landlord finds out that there are too many people in the apartment. He refuses to take the rent and three to four weeks later, he has the right to evict the tenant for nonpayment of rent.

These people have nowhere to go. These are the people I spoke of who must roam the streets by day and take their families to trees to roost by night. I don't actually know what is happening to them.

MR. JOHNSON: *Well, I think that it is a serious problem when you have a disincentive built into the system. One of the substantial gaps in housing inventory exists for the person who is working, and who is employed, and who is trying to support his family.*

*I would like to carry that a little further, and ask about the next group up the spectrum. What is being done in the private sector in the City of Miami for those Negro families who have the equivalent of what we consider, say, a factory job in the East? Is it possible for a person who has a good, steady, factory-type job to attain decent rental housing?*

MR. MONCUR: I wonder if Mrs. Range would permit me.

MRS. RANGE: Certainly.

MR. MONCUR: The problem that he is talking about is that we have no such rental units available. The basic structures are one-bedroom and two-bedroom units. They are adequately built. The problem is the overcrowded conditions or the sizes of the families. If you have a man who fits the category you just described, he has no problem in purchasing a safe and sanitary, decent house. But there is the problem of renting, because there are no rental units available. It is to that group that I addressed myself when I said we have these three- and four-bedroom VA and FHA repossessed units that are standing idle over a number of years that I think could be utilized by just that group of persons. These persons are not destructive. This is evident in the fact that here is a man who has a good job, who has been on his job for five, ten years. These are the kinds of things that I think FHA and VA ought to consider when they set up their screening, provided this could become a reality: You look at the employment — ten years' employment on the

one job — the way he paid his bills. He has his car note, his rent, food bill, light bill; these are the things, because generally, he is not indebted for mortgages and this sort of thing. These are the kinds of things that I think the agencies ought to consider, if this can become a reality, because people can really use those units and they are there.

MR. JOHNSON: *Thank you very much.*

MR. BLACK: John?

MR. DEGROVE: *Haley, how many public housing units do we have in Dade County in total now?*

MR. SOFGE: We are operating today some 3,700 units. We have in various stages of construction and planning an additional 2,000 to 2,100 units. We have just received unanimous approval from both the City and County Commission for 5,000 additional units. But we are told in Washington that it was an exercise in futility — there is no money to fund these units.

MR. DEGROVE: *So, two things can be said about your program. It has been, apparently, greatly accelerated since 1960, since you brought in 2,000 of these units completed?*

MR. SOFGE: Yes, sir.

MR. DEGROVE: *It is continuing at an increasingly accelerated pace, and you have run into gaps in the pipeline?*

MR. SOFGE: Right, sir.

MR. DEGROVE: *Now, so much for that, except to say that this Commission — I should not try to speak for it — but it does not seem to me that this Commission has found any part of the country with more enthusiasm and more imagination in the housing program than we have found here, and you are all to be congratulated, it seems to me.*

*On that, I want to ask you something about the 221(d)(3) issue. Is any appreciable number of units being bought under this program?*

MR. SOFGE: John, I am not an expert on that. We have been quite aware of the FHA program and we finally said put up or shut up. Who are the nonprofit sponsors, what are they trying to do, where do they want to build and what type units?

We have two FHA 221(d)(3) developments in Dade County today in management operation, one being designed primarily for elderly families.

We have been told by FHA that 8 or 10 of these units look reasonably good, including one or two commitments for rent supplement funds, utilizing funds provided by the Congress.

These two rent supplement programs may have a few three-bedroom apartments, but they look to be heavily weighted on the two-bedroom apartment size. So, we have a long way to go in FHA 221(d)(3) housing, except we can say that one of the hopes in the urban renewal area is to utilize and energize this program.

MR. DEGROVE: *Here we have an enigma, in a way, or paradox, maybe.*

*In Atlanta, where we also found a good deal of life in the public housing program, we found a great deal of life, energy, push and real accomplishment in the 221(d)(3) program, with a great many nonprofit*



sponsors, focused and centered in the churches, including Dr. King's church, and a number of others. It was very encouraging. There were a good many three- and four-, and I think maybe five-bedroom apartments.

So, I only cite that to indicate that under certain conditions, apparently, it can be done and is being done.

Another thing, in Atlanta, they seem to be coming in between \$70 and \$110 a month, \$110 being — I forget — a four- or a five-bedroom unit.

MR. SOFGE: They are beating us in rental ranges. I believe.

MR. DEGROVE: *I think that is right.*

MR. SOFGE: Without intending to take away from them, one advantage they have had is that they are further out in the urban renewal undertaking. Of course, we have two sponsor sites with FHA approval, but we have gotten a late start. I think most of you understand the reason. It was a Constitutional matter and other things.

MR. DEGROVE: *Yes. That did not click in my mind.*

MR. SOFGE: They just happened to be on land prepared for the sponsor, which is fine, and what we would like to do —

MR. DEGROVE: *And a write-down on land costs?*

MR. SOFGE: Yes.

MR. DEGROVE: *One other question, Haley.*

*We have run across this FHA vacancy utilization thing before. Is there some reason why it just is completely impractical?*

MR. SOFGE: I think Senator Douglas said it well.

There is a very real problem in this area. The Board of Commissioners of the Housing Authority, when we entered the foreclosure era, resolved to FHA that they would be happy to do anything that seemed productive in the use of these units. We would go in as the keeper; we would secure the buildings; we would use our own maintenance techniques to improve them; we would work with property agencies and other agencies to see how we could occupy them with families. The letters did not receive too favorable replies. It is an answer that only FHA or VA could give.

MR. DOUGLAS: *Let me make this clear, for the record.*

*You made this proposal to FHA and VA?*

MR. SOFGE: Yes, sir; in writing.

MR. DOUGLAS: *And they refused it?*

MR. SOFGE: Yes, sir; they did.

MR. DOUGLAS: *Who refused it?*

MR. SOFGE: Washington. They qualified their refusal, Senator. They basically refused it and then raised all of the problems.

MR. DOUGLAS: *Will you furnish this Commission with a copy of the letter, a photostatic copy of the letter?*

MR. SOFGE: Yes, sir.

MR. DOUGLAS: *Very good. I want to have it clear that the witness did not volunteer this information. He should not be discriminated against. He did it in response to questions addressed by the Commission.*

MR. BLACK: If there is any punishment to be handed out, Senator Douglas will take it; correct?

MR. DEGROVE: *Thank you very much.*

*I would be happy to have any other members of the panel respond to these questions.*

## Extend Loan Scope for Rehabilitation

MRS. VIRRICK: I would like to say one more thing, if I may.

We have the difficulty about the code enforcement loans and grants in neighborhood rehabilitation. The loans and grants are available to homeowners — only to homeowners — in the areas of code enforcement and urban renewal. I think that is a mistake, because those loans and grants to bring a home up to standard should be for everyone who owns their own home — not just in the urban renewal and code enforcement areas, and when I say code enforcement, Mr. Gene Miles is here. He could speak on that point better than I.

MR. MILES: I would just like to confirm what they are saying.

The greatest problem we run into, in enforcing the minimum housing code, is the inability of the people to respond to the notice of violation — financially, I mean.

If these grants were available in areas other than those designated as concentrated code or urban renewal areas, this would be the one big assistance you could give us.

I am Eugene Miles, Director of the Department of Neighborhood Rehabilitation for the City of Miami.

MR. BLACK: Does anybody else on the Commission have any questions? If not, this is the end of our panel's testimony. Do we have anyone in the audience this afternoon who would like to make a statement?

## STATEMENT BY JEROME GREEN

MR. GREEN: I am Jerome Green, the former president of the organization that was recently replaced by the Dade County HUD. I am also the chairman of the Urban Development Committee of the Government Research Council of the Miami-Dade Chamber of Commerce.

I was very pleased to hear Mrs. Range and Mr. Moncur talk about tenant schools. However, during my "administration," I felt — and said in many public statements — that it should go further, rather than wait until a tenant for a public housing development is already in.

## Pre-Urbanizing the Migrant

It should, first of all, go beyond merely public housing tenants. I think someone recently said that integration or dispersion without preparation is frustration, and when I say frustration, I mean all the

overtones that we have seen this summer as a result. I think it behooves this Government to look at this problem, as a whole, and recognize that the man who was living on a cotton farm in Mississippi, or in a bean field in California or in a cane field in Puerto Rico, is living in an eighteenth or nineteenth century agricultural milieu or economy.

He gets on an airplane, and in two hours he is transported to New York, Chicago, Miami or Boston, not knowing he is really a stranger in the land. He does not know how to live among his neighbors.

Then we have all those fine programs — and they are some of the best in the country — and we put these people in the buildings, be they the (d)(3) or the public housing, but they are not prepared to live in them, not because of any fault of their own. They don't make any neighbors. What happens? We have a special dispersion program, and by December of 1967 or '68 the balance shifts, and you no longer have a conglomeration of American citizens. You have one kind. This is fatal.

So, I think that we should start schooling them in Mississippi, in Puerto Rico — all over the country — and with lots of money. You can only do it with a really concerted, scientific effort. I think, too, that we have transition areas which begin to integrate where many people upgrade this themselves. But what happens? The cities downgrade the services — the garbage collection, the sewers, the lights — and the rest of them.

Instead of not only having the same standard for the middle-class life, it should go higher because there are more garbage problems. Why does the (d)(3) program falter in Miami? One of the reasons is there are not sufficient sewers in Miami, and there are not sufficient sewers in Miami because there is not enough money in Miami.

As a public official, and as an attorney, I spent six months looking for sites, and came up with two and they, too, are too far down because there were no sewers. In terms of just plain garbage disposal, we are back disposing garbage the same way as when my grandfather came to the United States. It is uneconomical, it is slow, and we don't have enough money to have six or seven men in the truck carrying the cans from my backyard or your backyard to the truck. We have got to be able to develop more efficient means of disposing of trash and garbage and abandoned automobiles and what have you, that make a blighted area out of what might initially have been a decent neighborhood.

We need lots of money and we need lots of imagination.

MR. BLACK: Thank you very much. Is there anyone else in the audience who would like to give a little testimony for about five minutes?

Is Mr. Marty Fine still here? I wanted to at least introduce him.

On behalf of all the staff of the Commission and on behalf of all of the Commissioners and on behalf of our distinguished Chairman, we all want to thank the lady from Mr. Homer's office — Aileen Lotz — for all the many arrangements she has made for us while we have been here. We have never been attended to any better or by one who matched this lady in looks and charm.

MR. DOUGLAS: With the true Southern touch.



**MR. BLACK:** And I want to state on behalf of myself, as a citizen of Dade County, that I certainly am proud of the people who have come up here and testified before this Commission as representatives of Dade County.

From the County Manager on down to the neighborhood, with Mr. Moncur, I am proud of all of you. I think you have displayed a great deal of knowledge and give us testimony which we will consider when we go to make up our final report. So, thanks, everybody, very much.

(Adjournment.)



**NOTE:** Page numbers in bold type indicate definitions of terms. Various Federal housing programs often are referred to by the section number of the law that created them as, for example, 221(d)(3); in this Index, these numbered programs are all listed under "Federal housing legislation."

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